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ART. I.—DOMESTIC INDUSTRY.

THE progress of civilized nations has been impressed with three distinct and strongly marked epochs. The first may be considered the era of the fine arts, commencing with the period when Greece was in its full glory, and ending with the downfall of the Roman Empire. The minds of men, at that time, appear to have been turned less to productive industry, the establishment of general comfort, and the diffusion of useful knowledge, than to the arts of luxury, which tended rather to benefit the few than the many. Painting, sculpture, architecture, literature, poetry, and eloquence, flourished in their full meridian under the patronage of the state. Poets were encouraged to recite their productions before the people, and were invested with the laurel crown, as a meed of popular applause. Orators were upborne by the tide of public favor, and received the reward of their exertions in the thunders of an acclaiming populace. The chisel of the sculptor was endowed with new life, and awoke from their marble beds the almost breathing forms of the most perfect statuary. Fabius, the admiration of all times, arose under the fostering hand of taste. Yet, amid this luxury and refinement, the utmost ignorance prevailed. The minds of men were pressed down by childish superstition. Barbarous forms of amusement stamped the character of the people with what appears to us to be a sort of savage cast, and the most perfect models of physical man were slaughtered to make a Roman holiday. Yet the monuments of that period which have come down to us, furnish conclusive evidence that, notwithstanding the amount of popular ignorance, superstition, and barbarity, which then prevailed, there existed a taste in literature and the fine arts which has marked that epoch as the *classic age*. What architectural forms of modern invention equal the exquisite proportions and finish of the Coliseum or the Parthenon?—edifices which cannot fail to convince us, that just to the extent in which we depart from them as models of form, we leave the true principles of architectural taste. What refinement of modern taste has ever exceeded the elaborate beauty of the vases and other do-

mestic utensils which we now dig from the ruins of Herculaneum and Pompeii? What modern art does not shrink back discouraged, even in its attempt to vie with the statues of the Venus and the Apollo which now stand in the temple of the Vatican? Or, if we turn to literature and eloquence, what more perfect models of poetry, oratory, history, philosophy, and rhetoric, do we find, than in the works of Homer and Demosthenes, of Livy and Tacitus, and the orations as well as the philosophical treatises of Tully, concerning government, oratory, friendship, duty, and old age?—works which are taught as text books in our schools, and without a knowledge of which the education of our youth is not considered to be complete.

The next epoch appears to us to be the age of political servitude, commencing with the introduction of chivalry into Great Britain, and extending through that night of a thousand years—the dark ages. During the greater part of that period, the energies of the great bulk of mankind appear to have been paralyzed, for the mass were chained as serfs to the soil, and the feudal system kept down their productive power. Books were confined to written parchments, and knowledge was deposited in the cloisters of monks. The tenants of the land were a sort of *realty*, transferable with its property, and burdened with services, and fines, and amercements, and bound in allegiance to their lords. The political power was vested to some extent in the monarch, but to a far greater degree in the haughty, stalwart, and armor-cased knights, whose power frowned upon the peasantry from the Gothic battlements of their castles,—the men who, with noble and chivalrous, though somewhat barbarous traits, and great physical power, descended from time to time through their massive gates to avenge the insults given to the fair, or to punish any aggression upon their chartered rights. In such a state of things, the power of the rulers without much enlightenment was every thing, and the people were nothing. The land was divided and granted out to titled holders for actual or professed services. With all the elements of knowledge in comparative chaos, in that age, without unity of action or motive for improvement, the vessel of state rolled heavily along upon the black waves, like a ship at midnight under a starless sky without a compass or a helm. Little was at that time done for the great cause of human improvement. What motive existed in the minds of those who wielded all the power of the government to alter that condition of things? What means of amelioration were proposed by the great bulk of the people, chained as slaves to the soil, and groping in ignorance under the combined action of the church and the state? The consequences of the political condition of society were such as might have been expected. Comparatively little was done for the advancement of civilization and the arts. Immense wastes were reserved as hunting grounds, and the soil was cultivated only so far as was required for the support of the inhabitants. The morals of the people, and the arts, were neglected. Even the laws bore the badges of vice, for they encouraged it; and although we are now shown the Gothic castles in which these knights of feudal times lived, with the jackdaws hovering around their towers, and though we still view the gigantic coats of mail which they wore, yet these have come down to us only as the relics of arbitrary power, vice, ignorance, and superstition.

Bacon, by his system of right reasoning, led the way to the establish-

ment of the present age, which may be considered the age of mechanical philosophy, of general physical comfort, and productive industry. The minds of men, from that time, aided by inventions in the arts, have been urged forward step by step, to vigorous and practical action for the general good. By the agency of successive political revolutions, the elements of society are gradually working themselves clear. The energies of men which were before devoted to the mere arts of luxury, to the painting of pictures and the sculpturing of statues, the creation of edifices for the support of power and pride, or to the upholding of baronial pomp, are beginning to be devoted to the good of the mass. The mariner's compass has sent the ships, which before clung trembling to the coast, fearless across the ocean with their rich freights, and made every sea a beaten highway. The art of printing has diffused abroad, in various forms, from the penny newspaper to the luxurious quarto, the means of knowledge. Power has been gradually stealing from the few to the many. Benevolence, with its snow white banner, has traversed all climes. Chemistry has gone down from the desk of the schools to labor with the husbandman, enabling him to quadruple his production—moulded from the sand on which we tread a transparent medium, through which we can discover myriads of insects in a drop of water which are imperceptible to the naked eye, or explore the globes of heaven. Philosophy has measured the tracks of the planets, and leaving the cloister, teaches the mechanic the qualities of matter, and the economy of physical power. Geometry constructs the fortification, and builds iron roads across the land. The water is manacled like a slave, and made to work its own way to the sea. The air is forced to propel us across space, to lift the water for our use, and to assist us in war. Gunpowder enables us to destroy massive fabrics in a single day, which were impregnable to the battle axes and javelins of the past. Machinery, in its various and complex forms, has almost superseded the use of human hands, and performs the labor of almost all the arts, giving us the power to confine within the narrow compass of the signet of a finger ring the mechanism of a watch which measures time with the utmost accuracy, to imitate the most exquisite music and motions of singing birds and the minutest insects, or to command a momentum of a thousand horse power. And last of all, comes coughing or splashing on, the powerful agency of steam, binding together states with iron bars, ascending rivers, and crossing oceans, regardless of winds and waves.

We propose in this paper to enter into a somewhat enlarged discussion of the character of this productive labor, or domestic industry, in the United States. We use the term, domestic industry, in a broad sense; namely, that physical power which should be exerted in this country, producing the *materiel* of value, or which moulds it into a different form, either for consumption or exportation. Fertility of soil, navigable advantages, hydraulic power, climate, and proximity to valuable markets, all go to make up the natural resources of a nation, although the character of the population has a much stronger bearing upon the condition of a country; and it is equally clear that the same amount of physical force applied upon a fertile soil, will yield a greater measure of productive value than the same labor exerted upon a barren one.

We take the ground that our republic is not equalled in its capacity for production, by any tract of territory of equal extent on the face of

the globe, whether we consider its magnitude, its resources, or its geographical position. Our national domain, it is well known, extends from east to west a distance of three thousand miles, and from north to south seventeen hundred, embracing an area of about two millions of square miles, a larger tract than is included within the jurisdiction of any government, occupying one twenty-fifth part of the soil on the face of the earth. This soil, although various in its quality, is in the greater part productive, spreading out no sandy deserts or barren ridges of any great extent. Running through various degrees of latitude, and washed on both sides by oceans, it possesses a climate which is favorable to the growth of all necessary articles of food; yielding the grains, plants, and fruits of the colder regions, as well as of the tropics. Wheat, corn, oats, potatoes, rye, tar, pitch, turpentine, hemp, flax, cotton, sugar, tobacco, and all the vegetables yielded in the same latitude, and which are necessary to the support of animal life, or which are required in manufactures, may be gathered in the greatest abundance, and constitute its staple products. Its mountains and valleys abound in marble and granite, iron, copper, gold, lead, coal, and salt, besides many other minerals of scarcely less value. The eastern portion of the country bordering the Atlantic, although less productive, and more broken than the west by barren wastes and rocks, affords sufficient motive to industry to an enterprising and hardy population, and a large amount of water power, which, by the aid of machinery, has been used with great success, and it possesses the advantage of lying on the great highway of nations, having at its door a broad pathway of navigation to any foreign port. At the south, we have a land which waves with the golden harvests of the sugar-cane and the rice field, or is whitened by the snowy blossoms of the cotton. At the west, millions of acres of the richest mould are stretched out toward the Pacific to an unmeasured extent, inviting the labors of the plough and the sickle. The territory so rich in natural resources, so fortunate in geographical position, is endowed with bold and gigantic features of natural scenery, and when in full bloom, is enrobed with magnificent vegetation. Chains of lofty mountains lift themselves into the clouds, and picturesque and flowery landscapes sweep along its streams. Noble forests wave upon its hills, and echo in its valleys. Prairies, seemingly exhaustless, spread out their broad expanses amid the solitude, and stupendous cataracts thunder down its precipices. Rivers, taking their rise in the distant interior, pour their treasures into the ocean, fertilizing the soil, and furnishing channels of navigation from the remote inland village to the borders of the sea. The Hudson and the Connecticut, the Delaware and the Potomac, enable us to penetrate the interior, and to discharge the products of our industry to their respective markets. At the west, a chain of lakes, the largest on the earth, furnishing thousands of miles of inland commerce, extend from the shores of Vermont and New York to the most distant banks of Upper Canada; and the Mississippi, the longest river on the globe, taking its rise amid the rice lakes of the north, winding through three thousand miles of territory most favorable for agriculture, and receiving in its course the Ohio and the Missouri, furnishes a channel of exportation through the whole territory of the west to the Gulf of Mexico.

We have stretched this outline of our physical resources for the purpose of showing the extent of the field in which American industry may

act; and we now proceed to a more particular examination of the different sections, so far as they are characterized by different soils, climates, character of industry, and capacity of production.

We take first, the six states of New England, and let us examine their natural advantages and the character of the industry which acts upon their soil. In the first place, the climate is comparatively cold, and the stony land, of primitive formation, is much broken by rocky ridges and barren hills, yet it yields to the hard labors of the husbandman, corn, rye, potatoes, oats, and various other grains and vegetables, in sufficient abundance for his support. The very barrenness of the soil may, perhaps, in the main, be considered a blessing, for it tends in a high degree to the development of that frugality, industry, and perseverance, which are the prominent traits of its population. The rugged configuration of the land, abounding in hills and precipices, furnishes water power, which is used in the propulsion of a great number of manufacturing establishments, which have been already a source of considerable wealth. Lying, as the frontier of New England does, directly upon the sea, the enterprise of the people, it is well known, has, in a great degree, been devoted to commerce, and a large portion of its wealth has been obtained by the hardy enterprise of its mariners. But, under all the natural disadvantages which she has seemed to labor, containing, as she does, a more inhospitable soil than any other part of the country, her population have accumulated an amount of wealth, the offspring of long continued exertion, which is exceeded by that of no other part. Indeed, the traveller in passing through the country can scarcely fail to be impressed with the air of thrift and general comfort which pervades the community. In journeying through the territory, he finds it divided into lots which, if they appear somewhat rugged, and do not exhibit the utmost fertility, are cultivated with a spirit which evinces a prudent and thrifty husbandry. Cottages, sometimes of plain, but more frequently of painted boards, and surrounded by enclosed fields, dot the landscape at numerous points; and a haystack at the side of the house, opened for the cattle, show that all proper care has been taken of the stock. The public works, rail-roads, bridges, roads, and charitable institutions, all indicate the utmost thrift and the benevolent forecast of the people. The poultry, geese, and swine, which wander around the farm house, procure their own subsistence, and the moss covered bucket, which hangs in the well from a moveable beam, draws the purest water from the rock. School houses scattered through the settlements show that the means of popular education are provided. If we pass the waterfall, we find the machinery of a mill in motion; or if we go into the larger villages or cities, we find the houses well built, presenting an appearance of the most perfect comfort and contentment; the streets well paved, the ports swarming with ships, and the whole territory populated by an active, healthful, and bustling class of business men.

The states of the south present a different aspect. With a soil more bountiful, and a climate more genial, than those of the north, producing the fig, the pomegranate, the aloe, and the orange, besides other tropical fruits, the territory is no less strongly marked than the character of the people. The white inhabitants of a great part of that region are unaccustomed to labor with their hands, deeming labor itself an ignoble employment. The low and level country bears the aspect of repose, which

is strongly contrasted with the more active appearance of the north. The soil is cultivated by slaves, and the neglected roads, bridges, and other public works, evince the listlessness which is the natural consequence of the social organization of society. Even the houses of the planters, constructed with less cost than those of their northern brethren, show little regard to domestic splendor, although the seat of elegant hospitality. The polished and open manners of the slovenly clad planters, together with an indifference and negligence which are their peculiar traits, impress one with the idea that he has arrived among a class of impoverished noblemen. But few charitable institutions or manufacturing establishments meet the eye, and the golden robes of the rice field, and the rich harvests of the tobacco and cotton plant, are all the evidences which the country furnishes of agricultural labor. Yet there is in the soil, although negligently cultivated, a productive power, which, if rightly husbanded, would yield vast profit. Thousands of bales of cotton are annually shipped to feed the factories of Manchester and Birmingham, and thousands of kegs of tobacco are exported to foreign markets, returning in showers of gold, which is as recklessly spent as it is easily accumulated. Did the climate admit the same kind and amount of labor as at the north, and did the character of the population favor the same degree of physical energy as with us, we doubt not that it might be made the most wealthy section of the country, possessing, as it does, a valuable staple, of which the northern states are deficient.

But the west must, after all, be considered the great agricultural section of the country; by which tract we mean that portion of territory which is included between the Rocky and the Allegany mountains, and termed the valley of the Mississippi. This tract contains the largest body of fertile soil on the face of the globe; and when we consider the advantages of its inland navigation in the great lakes and the numerous streams by which it is watered, the cheapness and fertility of the land, by which the husbandman can, by the labor of a day, procure a sufficient amount of soil to support him for the year;—all these advantages being held out as motives of immigration, we doubt not that it is destined to be one of the most opulent and powerful sections of the republic. Its climate, although not as healthful as the older states, being productive of bilious disorders, which are incident to every new country, is as genial as that of any region within the same parallels of latitude. In its northern part, wheat and corn, its staple products, are yielded in the greatest abundance; and it is well known, that although recently settled, the east receives the greater portion of its flour from the older sections of that valley, as well as large quantities of pork. The middle portion produces the fruits and grasses in the greatest luxuriance, and large quantities of hemp, cotton, and tobacco. The main source of wealth in its southern part, adjoining the Gulf of Mexico, is the production of rice, sugar, and cotton. That portion of our territory is no less rich in its mineral resources than in its agricultural products. Missouri has its iron mountain; rocks of pure copper are found upon the southern bank of Lake Superior; ridges of coal are scattered through a great portion of its domain; gold is discovered in the soil of Alabama; and unknown quantities of lead are embedded in the hills of Missouri, Wisconsin, and Illinois. Thousands of tons of the produce of the bordering region are transported in flat boats or steamers to New Orleans, through the Mis-

Mississippi, and millions of barrels of flour are shipped to the east through the lakes, besides sugar and cotton to an immense value, which are exported abroad. Even farther westward, in the region of the elk, the Indian, and the buffalo, there are doubtless thousands of acres of land yet unexplored, equally productive, which, at some future time, will be the seat of opulence and refinement.

Such, then, are the resources of the country; and we now come to a consideration of the character of the people, as conducing to the progress of domestic industry. Although our republic was originally colonized by emigrants from different parts of Europe—English, Dutch, French, Spanish, Swedes, Finns, and Danes—all these colonial elements are merged in the preponderance of the Anglo-Saxon stock. This is a people who, in every age in which they have lived, have marked a deep impression upon their soil, and left contemporary nations far behind them in the monuments of human labor which they have erected. Such is the origin of the Anglo-Americans, and they have vindicated that origin on this side of the Atlantic, in building up an empire, more powerful in its present strength, and more rapid in its advancement, than any nation of which we have record, within the same period of time. Within the limits of two hundred years, they have pushed their commerce into every sea; with the weapons of husbandry they have ploughed a thousand hills and valleys; they have established cities on her sea coasts and the borders of her forests; they have planted manufacturing establishments upon her water falls, and sent fifteen millions of freemen, in the different departments of the trades and the professions, to advance the strength of the country, upon a field which two centuries ago was an echoing wilderness.

This native vigor of the Anglo-Saxon, which has been thus evinced abroad, has been augmented in the Anglo-American by the policy of our government. The Anglo-American colonists were, for the most part, poor men, without high rank or title, who were obliged to hew out their own way. Some, it is well known, were induced to immigrate from religious motives, and others from motives of gain, but in all we see traits which are not to be mistaken—the iron firmness and downright vigor of the Anglo-Saxon. They came to a country in which a throne had never stood, without any invincible prejudices in favor of prescriptive principles and forms. They planted themselves in forests fresh in the magnificence of nature, and burdened with the resources of national wealth; and it was this very Anglo-Saxon spirit which enabled them to contend successfully, first with France and then with England, in two long and bloody contests, and to come out victors, securing to themselves the possession of the soil. It was the spirit of the Anglo-Saxon which afterwards embodied itself in the Constitution of the United States, through which they have quadrupled their effective power. It is this which has given increased momentum to the productive industry of the country, which places the great bulk of the people on a broad platform of equal rights, and has made them the source of law, in war soldiers, in peace submissive citizens, pressing motives upon their minds, the strongest which can actuate ambitious men—a fair and open field—to secure the greatest good. It burdens the people with no taxes for the support of an ecclesiastical establishment from whose faith they dissent. It gives no money of the treasury to the maintenance of a gigantic civil

list, to the purchase of gems which are to blaze before titled rank only, and no part of the soil is granted out to pets as a reward for imaginary services. Throwing aside all those encumbrances which might obstruct free industry, it says, in effect, to the people, "Come, draw your nutriment from the ample bosom of your mother earth, and develop the resources of your country, for your country is your commonwealth!"

It is not our design to enter into an enlarged history of domestic industry in the United States, but only to sketch distinct epochs in its progress. Our readers need not to be informed that the original colonists found our country a wilderness, and the commerce which was carried on for nearly a century, both by the French and English, was confined to the exportation of furs, which abounded in the forests, and to the fisheries on our coast. Even up to the period of the Revolution, commerce had not advanced to any great extent. Our people were feeble dependencies of the English crown, cramped in their means, and doomed to struggle with the disheartening labors of new colonies planted in the forest. The policy of Great Britain was at that time exercised against the manufacturing industry of the people. As early as 1731, the jealousy which existed on this subject induced the House of Commons to propose a report with respect to "any laws made, manufactures set up, or trade carried on, in the colonies, detrimental to the trade, navigation, and manufactures of Great Britain;" and, in consequence of an *alarming* discovery in respect to our manufacturing of hats, it was ordained, that no hats or felts should be exported from the colonies, or "loaded on a horse, cart, or other carriage, for transportation from one plantation to another." In 1750, another law was passed, equally disgraceful to a generous people, prohibiting the "erection or continuance of any mill or other engine for slitting or rolling iron, or any plating forge to work with a tilt hammer, or any furnace for making steel, in the colonies, under penalty of two hundred pounds." It was such causes, rather than taxation, that were the probable ground of the Revolution.

At this period the tastes of the people had not advanced to any degree of extravagance. Articles of luxury, if they were ever introduced at all, were imported from Europe; and the colonists, simple in their habits of life, were contented to ride from farm to farm upon pillions, dressed in cloths woven from their own looms, and to acquire their subsistence between the handles of the plough. This was the era of the spinning wheel and the distaff, and their music was more often heard than is that of the harp, the guitar, and the piano, at the present time. Cotton, the valuable staple of the south, was scarcely known to exist in this portion of the world; and the first specimen of that article, which was imported into Liverpool in 1784, was deemed an unlawful importation, not being considered the growth of this country. Then came the Revolution, which furnished a motive for domestic production, cast off as we were from foreign markets. But the energies of the people were at that time turned rather toward the arts of war than those of peace; and, even after the war was terminated, little could be done excepting to rebuild the shattered fragments of the social edifice. In 1789 the present manufacturing system of the United States, which was the offspring of the revenue laws, —and remaining until the embargo of 1807—was commenced. Meantime Alexander Hamilton, in 1791, made his first celebrated report on manufactures. Cotton mills were erected in Rhode Island, Massachusetts, and

other places, which worked up the raw material imported from the West Indies. Under these laws, as well as the war which followed, excluding as it did all foreign importations, domestic manufactures and the mechanic arts received vast impulse, and the inventions of Arkwright, Hargraves, Watts, Whitney, and Fulton, tended to impress its importance upon the public mind, so that at the peace of 1815 a large amount of capital was found invested in manufactures.

At this period the full action of domestic industry was permitted to be exerted upon the soil. At first the consumption of the people was pretty much confined to necessary articles, luxury being limited to the few who were rich. The energies of the nation had, moreover, been nearly exhausted by protracted wars. The soil was but partially cultivated, and machinery, then comparatively in its infancy, had not achieved those glorious triumphs which we have since witnessed. But a nation like ours, with all the freshness and elastic vigor of youth, could not long continue in a state of depression, and it soon cast about for the best channels of exertion. Pacific relations for the protection of commerce were soon established with the powerful commercial nations of Europe. The treaty of peace with England had opened to us the solid title and peaceful possession of that immense agricultural region stretching around the great lakes, and colonies comprised of vigorous and determined men, began to spread their settlements along the rivers and forests of the west. Agriculture, commerce, and the mechanic arts, fostered by the facilities of credit afforded by our expanding resources, began to thrive on an independent basis. Immigration from abroad began to pour in upon us, increasing the demand for food, and the physical labor of the country; and the mass of the people finding a wide and rich field of enterprise around them, began to crowd into every department of business. It was from these general causes that the republic has reached its present condition.

What is this condition? With a country prosperous in the productiveness of its crops, without war, pestilence, or famine, our granaries overflowing with the produce of the soil, our manufacturing establishments filled with the products of machinery, and our work shops with the trophies of the mechanic arts, with a commerce which is ploughing every sea, and a population possessing the same field of action and the same vigor with their forefathers, the people are pressed down by extreme embarrassment. This condition of things cannot be traced to any want of enterprise or capacity on the part of the people. In all the departments of human labor, commerce, agriculture, manufactures, and the mechanic arts, we have shown ourselves as a nation, to say the least, as apt as any other which has existed. In the mechanic arts, especially, we have attained a perfection which, considering the time in which we have had an opportunity to act, is remarkable. Our mariners are as hardy and adventurous as those of other nations, and our husbandmen are as stout of heart and vigorous as the laborers of England. We manufacture glass and the most ponderous kinds of machinery at Pittsburgh, on the very edge of the forest. Carriages and edifices, all the articles required for the furnishing of our houses, or the ornamenting of our persons, gold work, silver work, and iron work, the manufacture of all the implements of husbandry and all the tools of trade, machinery, and ship building, may be performed here in as great perfection as in England. But if the husbandman cannot sell his produce, the manufacturer his goods, and the trades-

man the products of his labor ; if the merchandise of the merchant lies undisturbed upon his shelves, and our ships float idle at our wharves, there must be certain causes for this state of things, and some of these causes we propose to consider.

In the first place, then, it cannot be denied, that the present pressure has been, in a great measure, induced by the spirit of extravagance which of late years has spread itself throughout the country ; the excess of consumption over the amount of production. Instead of confining ourselves within our means and the reasonable wants springing from our condition, we have expanded our expenses and the scale of our operations in all departments of pleasure and business, so far as our facilities of credit admitted their expansion. The high degree of prosperity founded on the growing power of the country, which was supposed to exist among us, has increased our adventitious wants, and induced a luxury which has pervaded all classes, and run like a contagious disease through the entire circle of our population. We perceive its evidences all around us ; in the arrangements of our houses, our equipages, our dress, and our amusements. The rich, who have had certainly more motive, because they have had the means to indulge in these luxurious habits, have set an example to the poorer classes, who could not afford to pay the cost. If we enter upon the wharves of our large cities, we find them crowded with imported goods, for which money must be paid to the foreign manufacturer, and which we might as well have produced ourselves. Turning to the shops of our merchants, we perceive that their shelves are piled with goods of foreign importation. The saloons of our citizens are carpeted with fabrics from foreign looms, and their walls are adorned with imported paintings and statues. We eat from imported plates, and with silver forks, wrought, perhaps, by the workmen of Birmingham and Manchester. We drink our imported wine from imported glass, and sip our imported coffee from imported china. We support our theatres by imported actors, and drive our horses in imported trappings. We contract foreign loans for the construction of our canals and railroads, and build these railroads of imported iron. We dress our wives and children, as well as ourselves, in imported cloths and silks ; and when we die, we are placed in our coffins in imported shrouds. The amount of these importations can be accurately ascertained, by the state documents which are annually issued from the office of the secretary of the treasury. Although varying each year, according to the contraction or expansion of the market, they are enormous. It is admitted by all, that within the last ten years we have imported silks to the value of \$118,000,000

Wines and spirits, 41,000,000

Iron, 84,000,000

the whole making an aggregate of two hundred and forty-three millions, a small fraction of the whole of our importations within that period, but all constituting articles which we might have dispensed with or supplied ourselves.

We are here able to give, from the report of the secretary of the treasury for 1839, the amount in dollars of the importations to our country for the last six years, and also the amount of the exports of our domestic produce within the same period of time :

<i>Value of Imports.</i>		<i>Value of Exports of Domestic Produce.</i>	
1834	126,521,332	1834	81,024,102
1835	149,895,742	1835	101,189,082
1836	189,980,035	1836	106,916,680
1837	140,989,217	1837	95,564,414
1838	113,717,404	1838	96,033,821
1839	157,609,560	1839	100,951,004
Total . . .	878,713,290	Total . . .	581,679,168

In alluding to the measure of extravagance which has borne so heavily upon the country, we would not be understood to advocate an abstinence from all luxuries, or a recurrence of the time, when men lived in their primeval state in huts, clothing themselves in skins, and feeding upon the spontaneous fruits of the earth. Nor do we profess to belong to that utilitarian class, which would confine all human enterprise to mere animal wants; for these are objects which are no more exalted than those which actuate the beast. We consider human society not a collection of fractions, but a unit. The different classes which compose it have, by the division of labor, one common interest; and the luxury and refinement to which they administer by their own labor, is the necessary consequence of civilization. All the means of physical comforts should doubtless be secured; but human exertion should not stop here. It should strive to improve the moral and intellectual man. Hence, we say, that every painting and every statue which has a tendency to refine the taste, every book, every monument, every school, which is designed to add one noble sentiment to the human heart, is equally valuable with the means of mere physical comfort. Nor would we object to luxury indulged in moderate degree. It is to the encouragement of these interests, that individuals in the different branches of the fine and useful arts look for a support. What would be the condition of workers in silver, if no silver work was used? or of the carriage-maker, if we were all doomed to walk? Nor have we much respect for the miser, who with a niggardly selfishness denies himself the proper indulgences of life, and locks up his gold in a strong-box. He is not only of no benefit to the world, but an absolute curse, for he keeps that back from circulation which, like the air we breathe when it flows freely through the community, gives vitality to the working classes, and vigor to the whole frame of the mercantile body. The evil of which we complain, is the excess of luxury over the means of the people, while we advocate a moderate indulgence, believing that all classes are mutually dependent upon each other for support, and that an injury to one is felt by all.

Another reason of the depression under which the country is now laboring, exists in the spirit of over-trading which has pervaded the community, the natural result of the spirit of extravagance. Individuals, in

commencing business, appear to have modelled their operations on too large a scale. They have moulded their plans on the proportion of the market which appeared to be spread out before them, or indulged in speculations which were found to burst like bubbles in their grasp—speculations in stocks and lands, which produced nothing but only a transfer of title, and adding not an item to the solid wealth of the country.

We do not doubt that the best, and in fact the only, mode in which we can save to ourselves the vast sums which are annually paid out for foreign importations, and found the fabric of our wealth upon an independent and solid basis, is to *increase the domestic production of the country*. We have attempted to show that the physical resources of the soil are eminently favorable for agricultural enterprise, and there are spread around us ample motives for its exertion. The land is cheaper than in any other country, and there is an independence and substantial comfort in the cultivation of the soil by its own proprietor, which eminently fits it for the citizens of a republican government. The various character of this soil, as well as its fertility, and its navigable rivers, and public works, furnishing convenient channels of navigation to foreign markets, renders this as safe and certain a track of enterprise as we could adopt. But while we would have agriculture the grand foundation of our national wealth, we would foster manufactures, commerce, and all the mechanic arts. The manufacturing establishments which have already been erected in a portion of our country, have gone on under the pledged faith of the nation, and we wish to see them succeed, and turn out fabrics which will bear a comparison with the products of foreign looms. Nor would we, while we cherish these two important branches of industry, neglect commerce, which is always the handmaid of refinement and civilization. We wish to see our inland rivers and lakes whitened by its sails, and the sky of every navigable stream darkened by the smoke of the steamer. We wish to see every fabric which floats the waves, be it the flat boat of the Mississippi, the shallop of the village stream, or the oak leviathan, driven by wind or steam, which ploughs the mid ocean,

“Where the argosies with portly sail,
Like signiors and rich burghers on the flood,
Or as it were the pageants of the sea,
Do overpeer the petty traffickers
That curtesy to them, do them reverence
As they fly by them with their woven wings,”

freighted with the produce of our soil.

We could wish to see every department of the mechanic arts prosperous under the fostering hand of the government; and we believe that a crisis is now approaching in which such will be found our only true policy. The principle which the present crisis is inscribing upon the mind of the nation, is that of *retrenchment and reform*; and we believe that the conviction is beginning to be strongly impressed upon us all, that we have too long depended upon foreign nations, and that we have within us all the resources of mercantile independence.

In order to show what our country may become, by the domestic industry which we have advocated, we need only glance at the present commercial condition of England. Her people and ours are of the same

stock, and we see the little island, which appears like a speck in the ocean, achieving a reputation as the first commercial power on the globe. It is not the magnitude of her domain, for our territory is more than fifteen times larger than the whole island of Great Britain. It is not the fertility of her soil alone, for we have thousands of square miles of equal value; and it is not her geographical position, but it is the productive industry of her people, which has made the island like a garden, and her manufacturing establishments the workshops and the mart of the world.

It is only by directing the enterprise of our people to the right channels of productive industry, and by cherishing this enterprise by politic and enlightened legislation, that we can become in fact, as we are now in name, an independent nation, and compete with England in the market of the world. There is no formidable obstacle in our way to prevent this result. We have the soil, the climate, the resources of navigation, the machinery, the mechanical skill, the freedom, and the physical vigor. In our own country, the four great branches of national enterprise, commerce, agriculture, manufactures, and the mechanic arts, may each be directed to the aid of the other, and to one great end. They are twin sisters, with golden tresses falling upon fair countenances, and with bosoms swelling with the exultations of hope, bearing the olive branch of peace and the horn of plenty, linked hand in hand by the bonds of affection. Like another Ariel, they will watch over the destinies of the republic. They will enrobe the fields of our wide spread country in rich harvests. They will hurry the operations of the spindle and the water-wheel, and bring the blessings of independence to every man's door. They will fill our warehouses with the products of our own skill. They will induce an interchange of the productions of our different states, and thus strengthen the bonds of our union. They will whiten our inland seas and rivers with commerce, send forward our ships and steam vessels upon the ocean freighted with the products of our own industry, and make us the first, as we are now, after the lapse of only two centuries, the second commercial power upon the earth.

ART. II.—MORAL AND POLITICAL FREEDOM.

WHAT is civil freedom, and for what is it valuable? How far do we enjoy it? How far are our institutions fitted to preserve it? These are questions which we are apt to leave without reply in our common acclamations for liberty.

God has created society for the benefit of the individual man. He looks down upon the world not as a congregation of nations, or states, or cities, or villages, but as an aggregation of individuals. The good order and happiness of the mass, or of the majority, is not his ultimate object—it is the culture and happiness of the individual man. It is not the world, but man; not society, but the soul, which directly interests him. Society was constructed for man, and not man for society. His discipline, growth, and excellence, were to be advanced only by means

of society, which the wisdom and benevolence of God therefore frames. Now, to imperfect beings, perfect and peaceful freedom is only compatible with perfect isolation and solitude. Perfect freedom is complete lawlessness—a state in which each man consults only his own inclinations and impulses. If his feelings were all right, if his judgment were infallible, he might live in society without any other law than the law of his own mind and conscience; but, being an imperfect and erring creature, a passionate and selfish being, and placed here as such, and for the very purpose of disciplining his passions and eradicating his selfishness, living in the midst of those equally disposed with himself to gratify their inclinations, it soon discovers itself to his reason, that the comfort and happiness of all require that society should be under some regulation, and this regulation, whatever form it may take, is government. Government, defined properly, is the laws by which *society* is regulated to the best good of *individual* men. I observed in the first place, you will remember, that society is nothing in itself; has no interests of its own—being in fact merely a name; that the individual is every thing in the sight of God. Much more, then, is government, growing out of society, unimportant in itself, having no independent rights, no divine authority, but entirely valueless and unauthoritative, except as far as it sustains society in its proposed influences upon the welfare of individual man. The best government is that which renders society most favorable to the development of individual man. Now, what is the true development of individual man? Man's whole dignity resides in self-control—self-government. He is designed to be ultimately a law to himself. He has rebellious passions and appetites—he has a wandering and wavering will. He is a kingdom made up of discordant elements, of contrasting and contending factions. He is sent into the world as a tribe of savages might be set in the midst of a forest, to work out by experience, by conflict, by sorrow, by discord, their civilization and final establishment as a free nation. Indeed, the history of the world is only the history of the individual written in larger type. Man is born a savage, and passes through barbarism, and semi-civilization, to his destined condition. Like the world, though in an inverted order, he has his iron, and his brazen, and his golden age. His development and destiny is the reduction of his various faculties and propensities to their internal law; in other words, it is to self-government; and precisely in proportion as he governs himself, is he absolved from other government. He is a freeman just to the degree in which he enslaves himself to his own conscience; for the only law which man is under obligation to obey, is the law of right. That law is enforced by God, in penalties, as far as it is not voluntarily submitted to. Man's excellence resides in a complete obedience to that law. He is a free agent—he therefore obeys it voluntarily or not at all. As far as he infringes it he suffers. But suffering by no means compels, though it may incline, and induce him to submit. The only freedom of which he is capable, is the *voluntary* accordance of his will with God's will. Then obedience is no longer slavery. He is perfectly free; for the definition of freedom is the undisputed exercise of the inclinations; and when the heart loves the right, the will practises it as the very law of its being, and is as free as though it made the law itself, having no disposition to change it.

You observe, then, that freedom, free agency, is the very essence of

man's life and soul. As far as he is *compelled*, he loses his worth. The whole purpose of his creation is self-government, in other words, freedom; for this is the only freedom, as we have demonstrated, of which man is capable. All laws, then, except the laws of God, written in the constitution of our nature, are in themselves offensive and opposed to man's native liberty. Government is a necessary evil. If society could exist without government, it were much better, and as far as it can exist without it, it should. That government is best, therefore, which allows the most freedom—that is, which allows man to act most as he pleases. The only apology for any government, as we have said, is this, that in the imperfect and undeveloped state in which we here exist, some restraints upon individual liberty are necessary to secure the largest freedom to the greatest number; for all men have equal rights to freedom, and the weak must combine against the strong and institute laws in order to preserve their own liberties. Still, all along, you observe, that government is an evil because it substitutes force for voluntary obedience, might for right, and takes man out of the control of himself to place him under a foreign compulsion or restraint. We beg to be understood here: we are not arguing against governments or laws, but we represent them as a necessary evil. In one sense, nothing is evil which the condition of man renders necessary, that condition being as much ordered by Providence as his existence itself. But whatever grows out of the weakness, sin, or imperfection of man, whatever is to be done away with in his progress in wisdom and goodness, is in itself to be called evil, being the attendant upon it, just as the physician is the growth or representative of disease, and has his calling and existence done away by the prevalence of health. Now, government in itself being a necessary evil, on account of its interference with the freedom of man, upon which freedom his growth and excellence depend, it ought to be allowed only to the smallest possible extent. To determine what this extent is, has been and continues to be the great problem. This had been much easier of solution if the object of society had universally been allowed to be the culture and happiness of the individual; but, on the contrary, false and mischievous notions have prevailed in politics, which have quite overlooked man and the soul; and governments have been constituted with reference to the preservation of the rights of particular classes, or for the security of governors, or for the promotion of objects subsidiary to the good of the individual. There has always been an interested party, whose lust of power has resulted in governments of altogether unnecessary rigor. Absolute governments are the worst of all governments, because they make no acknowledgment of the right of individuals. Tyrannies deserve reprobation, not so much because they infringe the actual liberty of individuals, although this is bad enough, as because they strike at the very root of human dignity, and are directly and flatly at war with the object of life. It is for this reason that slavery is so much to be condemned and lamented—and all the more for the difficulties which perplex its removal—not that the immediate happiness of the slave is so greatly impaired, as that the great right of his life, the great peculiarity of humanity, the noblest privilege of his being, the inalienable claim of manhood, is denied him. Take away free-agency and moral responsibility, and you reduce a man to a chattel, a thing—you steal his soul away. This is the great objection to tyranny, that it shows no respect for man, no regard to conscience—

that it destroys self-government—that it thus interferes with God's primary law in the creation and condition of humanity. And governments are inimical to the best interests of man, just as they infringe upon or disregard this principle. They approach perfection precisely as they allow to each man the largest possible self-control, or voluntary conduct, consistent with the similar rights of the other members of society. A society of thorough Christians would need no government. Each would be a law to himself; and love, which is the fulfilling of the law, would secure justice to all. Christianity contemplates the final destruction of governments, except as far as certain regulations, which will give no power to rulers, and will execute themselves, may come under this name.

The excellence of a government is to be determined by the effect it has upon the culture and happiness of individual men. The largest freedom is essential to this, and our own government is to be prized above all others on this very ground. It seems to us that the oversight of this plain principle is at the bottom of that distrust which certainly possesses very many lovers of law and order relative to our institutions.

We are not able to say, neither are we much concerned to know, how the practical action of our government compares with that of others upon the order, and peace, and submissiveness of society. It seems to me to be quite a secondary question, how far it may facilitate commerce, or agriculture, or nourish the arts, or give dignity and importance to the country as one among the nations of the earth. These interests take care of themselves, and are by no means the highest interests of man. We advocate the views of no party, nay, know not distinctly what the views of any party are; but government is not to be measured by such standards. We strongly suspect, indeed, that free-trade will at some day be found most conducive to the interests of society, although the practices of other nations may require us, in self-defence, to adopt for the present other principles. But this is by the way. What we would say here is this: that the merits of our government are not to be measured with certainty by the difficulties which may perplex its operation. For instance, because freedom is sometimes abused with license—because the power of the people is sometimes injudiciously exercised—because the liberty of the press is sometimes perverted—because varieties of opinion in religion, politics, and other like subjects, divide and agitate the community—it by no means follows that liberty is to be restrained, or that other forms of government which prevent these evils are therefore better. They may be, nay, they certainly will be, attended with worse evils. Order, peace, submission, are merely negative. They are far from being the best things. Confusion with freedom is better than order with slavery. The peace of an absolute government is the peace of the grave. Its order is the harmony of machinery. Allow men to be men in the exercise of their individual wills, minds, and consciences, and they must needs dispute, contend, differ. Make them slaves, chattels, and they will be as docile and united as a herd of sheep, or the spindles of a factory. Those who abuse or distrust our institutions commonly take narrow views of the objects of society, and low views of man. The ease, dignity, and elegance of the upper classes of England is certainly superior to our own. The subserviency, obedience, and handiness of their domestics, infinitely surpasses any thing of the kind we enjoy. The fine arts certainly flourish under a wealthy and leisurely nobility—they

certainly struggle under republican influences. What then? Is society designed for the benefit of a single class, or to promote the elegant accomplishments of life? Not so. The activity, and enterprise, and freedom, of our whole people, is not to be depressed and restrained, that the few who are unwilling to help themselves, may enjoy more ease or elegance in their domestic establishments. If government be designed for the benefit of society as society, without reference to the individual, other forms may possibly be shown to be more desirable than our own; but on no other ground; and even on this it would not be difficult to show that in the end, what is most favorable to individual growth must finally rebound to the perfection of society, so that America may hope yet, to produce, in good time, a race of artists and scholars that will surpass any the world has seen. And this is not an ebullition of national vanity, but is based upon great principles.

Be it remembered, that our government is the only one on the face of the earth that in its very outset starts with an acknowledgment of the great foundation of all true governments, namely, the welfare of individual men—their equality, their right to freedom. It should occasion us no pride, but only excite our deep gratitude that ours was the first country where the noble experiment of a government based upon the great law of humanity was tried. It was by no accident and no human foresight that this trial was made. The progress of human events compelled it. The experience of many centuries had been working out the ideas which are at the bottom of it. And no sooner was a place found on the earth favorable to their foothold, than, by a necessary providence, they planted themselves there. It would seem as if God had kept this continent from the discovery of the world for ages, that it might not suffer by the experiments of government then trying elsewhere; that no traditional prejudices, or hereditary predilections, or time-hallowed political errors, might interfere with the establishment of a government based upon truth and righteousness. No where else could freedom then have found a safe asylum, much less a wide and generous home, when even now no nation of the old world is prepared to give her a public welcome, received as she is by stealth by many faithful spirits in all lands.

The greatest blessing of all others in our political institutions, is that they are based upon true principles, by which I mean, principles in accordance with the nature and adapted to the progress of individual man. They are free institutions, because man is by right a freeman, and the more free, the nobler and better. When we examine our government, we are not to look at the evils that attend its operation, as though they belonged necessarily to it. The TENDENCY of the institutions is to be regarded—their principle. An error in principle is vital—an error in practice is venial. A government based upon false principles must act wrong, and worse and worse continually. A government based on right principles may occasionally err, but it must err less and less, and its very errors touch near a vital part. Thus the acknowledgment of human equality is a fundamental truth. No government can possibly answer the true ends of government without it. But its publication is attended with misconception, vulgar pride, assumption and the idle exercise of authority on the part of the people. But after all, what are these exhibitions of bad taste, compared with the stupid inferiority and cringing

and broken spirited disposition of the man in countries where this principle is denied.

The freedom of the press, too, is attended with considerable evils—with abuse of public men, with political rancor, with constant excitement; but what is this, compared with the excellent benefits resulting from the free expression of opinion, the widest exercise and publication of thought, the dissemination of truth on political subjects, the security which this general espionage over government gives us for its faithful discharge! Where this freedom is not allowed, government may be less frequently disturbed, public men less abused, and public measures less questioned; but an ignorant and slavish submission to public authority will take the place of a free and enlightened obedience. Be it observed, too, that while in other governments the necessary progress of man in knowledge and power tends to overthrow their order, and introduce constantly more and more difficulty into their councils, so that nothing but more rigor, or else constant concessions to the demand for liberty, will preserve peace; in our own, increased knowledge is just what we ask to perpetuate our institutions. Every day must remove the practical difficulties in their operation. Thus, with our increased intelligence, which this very freedom of the press facilitates, its own action will be regulated, its tone elevated, and its licentiousness fall under the ban of public opinion, which is the only restraint compatible with freedom. Thus, too, the vaunted power of the sovereign people—a true principle, however abused—will be exercised with more and more prudence, as the public mind becomes, through the activity and free inquiry which this very principle cherishes, more and more enlightened.

It is very frequent for Americans to claim a more general diffusion of knowledge among them than among any people. This seems to me not to be true. In the common sense of education, the Scotch, the Germans, the Prussians, are far better educated. But what is true, and far more important, because it is to be traced to a principle—education must finally be more general and better here than any where else; and even without the benefit of as good schools here as abroad, which, however, we need nothing but time and experience to supply, even without school education, it cannot be denied that there is infinitely more activity of mind, more common sense, more practical ability, among us, than among any people. The public mind is stimulated in these United States to the most extraordinary and unexampled degree. The education received from circumstances, from enterprise, from interest in public affairs, from newspapers, from public responsibility, from the unshackled use of the faculties, in fine, from the general intercourse of man with man as an equal—the education which is received here from freedom, the good sense inculcated by our institutions, which lay broad and true ideas at the very bottom of every citizen's mind in his early infancy, and open his soul to truth, come from what quarter it may—this is the education, after all, which is most valuable, and which is here universal, taught in the great public school of national feeling and habit. The artificial or school education of these states is very imperfect, but every day is improving it, and the necessity and demand for it proceeds from the right quarter—from the people themselves. The value of knowledge is here known; those who ask for instruction are always ready

pupils. The mind of this people is vastly before their schools. There is thought enough in America to make a great national literature ; but as yet we have no true book-makers—no retired students to collect and express it. There is genius enough here to produce great works of art—but it is properly diverted into works of great public utility. Our national roads, our rail-ways, our viaducts, our ships, our institutions are our fine arts—our government is one great architectural structure. Men who, born elsewhere, would have been poets, artists, or scholars, are here workers—politicians, statesmen, public orators. The thought of America expresses itself in action. There is too much to be done, for much to be well said. It is no subject of regret that we have not a national literature or fine arts. Nothing but a diseased action in the public health could possibly have produced them at this time. And if the public mind receive instruction from other sources, the great ends of literature and arts are answered ; neither having any value except for what they effect in developing and elevating the mind of the people. The effect of our institutions and condition is to exercise the faculties of our people to an immense extent, and this is all that we should ask. To set people thinking, is the greatest possible service you can render them. To bring minds into activity is education ; books being a mere accident, and no essential part of education, and doing for none any thing more than the incompletest portion of their development.

But we must draw these remarks to a rapid and forced termination.

The substance of the view we have taken, may be thus briefly comprehended. We need to have an intelligent idea of the real worth of our institutions and of freedom. Freedom is desirable in all things ; because freedom of will, of conduct, of thought, of conscience, is the necessary condition of human progress, and the great principle of human dignity. A free government is invaluable, because it leaves man as much as possible in his natural state—leaves him as much as possible to himself—to his self-government, self-control, and self-culture. Our institutions are principally valuable because they let us alone—more to be prized for what they do not do, than for what they do. Our country flourishes and man improves, because, for the first time, humanity has a fair chance to act itself out. Man walks here without shackles, in no prescribed path, with no sentinels to stop his progress in any direction, or at any pace he may choose to go. Thus, faith in humanity is at the bottom of our freedom ; and it has been proved that the more free you make man, the nobler and the better he is. The more you cast him upon his own resources—leave him to his conscience—neither support nor cumber his trade, his religion, his literature—but leave them all to struggle for life, the better they thrive. The great distinction and privilege of an American is this, that he is permitted to be a man—a self-sustained, self-regulating, a free man—the only man—not a subject, a slave, a machine—not in this caste, or that—belonging neither to the second or third estate—neither noble or gentle, of lords or commons.—But a man—with a human head and a human heart—a God above and a conscience within—amid his fellows and equals—to work out his own happiness here and salvation hereafter, as he best can. This is freedom and humanity. God's government and man's government reconciled. Democracy is thus theocracy, and conscience, the vicegerent of God, is placed at the head of our national institutions.

We should end lamely, did we not point directly again to what we have constantly insinuated; that as the restraints of civil government are loosened, the bands of private government are to be tightened—that civil freedom is only safe to those who are in subjection to their own consciences. That nation is freest, after all, which is most in bondage to God. That man is the true freeman, whose will is reconciled to the right—who is not only absolved from the fear of the law, but from the fear of the future and its judgments. A few noble spirits have been free under the greatest outward tyranny, because their minds could not be fettered; and men may be slaves in America—slaves to public opinion, slaves to vice, slaves to fear, to the devil. Those who sin are the servants of sin. A law against murder is no restriction upon a man who has no inclination to kill. But all laws, however light, are slavery to those who are lawless and vicious, and the requisition of God and conscience are the worst slavery of all to those who do not become freemen in Jesus Christ, by learning to love the law, and so render their duty, their inclination, their necessity, their preference. The love of the right and of God is thus the secret of all freedom. It alike frees the slave of the most absolute tyranny, and binds to the rule of safety, the citizen of the laxest freedom. The disciple of Jesus is free every where—in Turkey or America, on earth and in heaven.

ART. III.—CAUSES OF UNSTEADINESS OF THE CURRENCY, AND THE REMEDY THEREFOR.

NUMBER I.

WHAT CONSTITUTES CURRENCY?

A RECENT writer, in treating of the currency, remarks, that there is no subject in relation to which more erroneous notions prevail. "The expansion of the currency, the contraction of the currency, the depreciation of the currency, are," he continues, "every-day expressions, and yet very few persons can precisely point out the elements of which the currency is composed."* Nothing can be more true. The trade in money has been so universally the subject of restriction and regulation, and has been so much mystified, that it is generally deemed incomprehensible; the consequence of which is, that few persons attempt to understand it, although the most important of all trades, and the one which it is most desirable should be perfectly understood. With the single exception of the maintenance of peace, there is no matter of equal importance with the establishment, and maintenance, of steadiness in the value of that commodity which is the measure of the value of labor and of property of all descriptions. It tends to promote physical, moral, and intellectual improvement, while unsteadiness and irregularity tend to produce physical, moral, and intellectual deterioration. Our readers will, therefore, we trust, not be indisposed to give a little time to an inquiry into the causes of unsteadiness that is so uniformly observed to exist, and into the mode of preventing future changes.

* Raguet on Currency and Banking, p. 181.

In the early period of society, trade is carried on almost entirely by barter. The tenant pays his rent in labor, or in produce, and his landlord exchanges that produce for such commodities as are required for his consumption. With the increase of capital, of population, and of trade, a medium of exchange is adopted, and by slow degrees the system of labor and of produce rents passes away. The tenant contracts to deliver money to the owner of the land which he cultivates, and the purchaser of a commodity delivers money to the owner in exchange for it.

From an early period, gold and silver appear to have been used for the purpose of facilitating exchanges—or as currency; but it is only within a comparatively short period that they have come into general use in the internal commerce of any nation. Even now, throughout a large portion of the continent of Europe, labor and produce rents are almost universal, barter exists to a vast extent, and money is little used. Nevertheless, among all civilized nations, silver and gold are the standards by which all values are compared. That they should have been thus universally adopted, results from the fact that, although disseminated throughout a large portion of the earth, their production requires a larger amount of labor than is required for an equal quantity of any other commodity equally susceptible of being rendered useful to man, and hence they will at all times exchange for more labor, or more of the products thereof, than an equal quantity of any other commodity, with a few unimportant exceptions. Gold is, therefore, said to be more portable than silver, and the latter more so than iron. The same power which would be required to move a ton of silver could equally well move a ton of iron, and therefore it is not in that sense more portable, but it is so in the fact that the first represents the labor of forty or fifty thousand days, while the latter represents only that of fifty or one hundred. Diamonds are still more portable than gold, but they are little used in the arts, and are incapable of the subdivision required to fit them for use as a general instrument of exchange. The labor required for their collection is great, and they owe to their rarity the estimation in which they are held. The annual consumption of gold and silver is nearly equal to the annual product, and it tends constantly to increase, whereas of diamonds there is almost none. The owner of any quantity of the precious metals may feel assured that they will not be less useful fifty or a hundred years hence than they now are, and consequently that the desire to possess them will then be at least as great as it now is, whereas the owner of diamonds can have no security for the continuance of that taste which alone induces persons to pay extravagant prices for them.

The great consumption of gold and silver takes place in those parts of the world in which population and capital most abound, and where commodities of the most expensive description are manufactured. There is the best market for them; and hence there is a constant current from the countries which produce those metals, to those which consume them—from Mexico, Peru, Russia, and others—to London and Paris. London is the centre of capital for the world at large, and to that point is the tendency of the current greatest; and that tendency, in a natural state of things, is as constant as is that of water to the ocean. Fall where it may—upon the highest hills or in the lowest valleys—we see water collecting in streams, constantly augmenting in volume, until they

finally discharge themselves into the great reservoir. In like manner we observe the small quantities of silver produced in the various parts of Mexico gradually collecting together and directing themselves towards Vera Cruz, Tampico, or St. Louis, to be there exchanged for commodities required by the producers. Thence they pass off to New Orleans, New York, and other places, where they serve for a time the purpose of facilitating exchanges, but at length are transmitted to Europe, to be there used in the manufacture of the various commodities into the composition of which they enter. With every approach to the great market, there is an increase in their exchangeable value, and thus a pound of silver will command a larger quantity of the conveniences and comforts of life in New York than at Potosi, and a still larger quantity in London than in New York. This difference of value constitutes the difference of exchange, which, in a natural state of things, is always in favor of the gold-consuming countries—those which most abound in capital. Its extent is generally limited to the cost of the transportation and insurance of gold or silver.

This centripetal tendency of the precious metals observed throughout the world, prevails in nearly an equal degree between all the smaller centres of capital, and the districts dependent upon them for supplies. Thus, every part of the states of New York and Pennsylvania desires to place money in New York and Philadelphia, and exchange is consequently always in favor of those cities, as in Massachusetts it is in favor of Boston. They are the large streams through which the water of the springs and creeks must pass to reach the ocean.

While remaining in the form of coin, or bullion, the precious metals are useful only as instruments for facilitating exchanges, precisely resembling carts and wagons, which add nothing to the quantity of commodities produced, yet are highly useful in aiding exchanges between the producers and consumers. The more perfect the means of transportation, the smaller will be the amount of capital employed in vehicles for transporting the products of labor, and the larger will be the amount of capital in the form of ploughs, harrows, and other machinery, by aid of which the quantity of commodities is increased. In like manner, we should find with every improvement in the facilities of trade, a constant decrease in the amount of gold and silver required for the performance of exchanges, and an equally constant increase in the capital applied to agriculture and manufactures, causing a constant decrease in the *proportion* between the medium of exchange and the amount of commodities to be exchanged.

In the early ages of society, there is little security for person or property; men have little confidence in each other, and credit is unknown. When exchanges are made, the commodities exchanged are delivered on the instant. The facilities of transportation are small, and men seek money, because readily hoarded or transported. With the increase of population and capital, men become daily more secure in the enjoyment of the rights of person and property; there is a constant improvement of physical and moral condition, and confidence arises. It is no longer deemed necessary that all commodities should be paid for on the instant. Money is no longer hoarded. Its owners desire, on the contrary, to use it in trade, or to lend it to others who will so use it, and will grant them a compensation, in the form of interest, for the advantage derived from its

aid. Shops are opened for the purpose of trading in money, and those who possess gold or silver coin, or bullion, deposit it with the masters of those shops for safe keeping. With the farther increase of confidence, men are enabled to adopt labor-saving machines, termed checks or drafts, by which the money deposited to their credit is transferred. Another step in the progress of confidence, gives us circulating notes, by means of which money deposited in a bank is transferred from hand to hand with no farther trouble than that attendant upon the delivery of the note. We now have a mixed currency, composed of the precious metals and of paper, convertible on demand into coin, a consequence of the increased confidence of man in his fellow man, resulting from the steady improvement of physical and moral condition that accompanies increase of wealth and population. With every step in this progress, we should find a diminution in the *proportion* of currency to production, and thus, that the total amount of a mixed currency would bear a smaller proportion to the trade of the nation by which it was used, than would that of another nation whose currency consisted exclusively of coin. As every diminution in the proportion which capital employed in transportation bears to the merchandise transported, is an evidence of improvement in the facilities of exchange between *places*, so every diminution in the proportion which currency bears to exchanges, is an evidence of an improvement in the facilities of exchange among *persons*, the best system being that which affords the most perfect facility at the smallest cost.

In the advanced state of society now existing in Great Britain, and in the older states of the American union, all exchanges are performed by aid of money; that is, the party desirous to obtain any commodity, stock, house, or land, contracts to deliver in exchange therefor a certain number of dollars, or pounds. The laborer contracts to exchange a certain quantity of labor for a certain amount of money. The landlord demands a certain quantity for the use of his house, or his land. The shoemaker and the tailor demand dollars in exchange for their shoes or their coats. Every man who desires to change the form in which his capital exists, seeks some one who will contract to deliver money in exchange, and having done so, his next business is to find another who will, in exchange for money, contract to deliver him that commodity, or property, which he desires to possess.

In this manner, all capital, as it becomes disengaged, or uninvested, assumes the form of money, or of claims for the receipt of money. The laborer has accumulated a capital equal to the labor of a week, and he has it in the form of silver, or in that of a claim upon his employer, or in that of a bank note; both of the latter being convertible upon demand into coin. B has sold to his neighbor a house, for the price of which he holds his due bill, payable on demand in coin. C possesses a thousand dollars in silver, the produce of one hundred barrels of flour. D has twenty thousand dollars to his credit in bank, the produce of land that he has sold; and E has a similar sum in circulating notes, received in exchange for a bond and mortgage, or for a promissory note discounted for him at a neighboring bank. All these persons have capital uninvested, yielding them no return. All of them can convert it into coin if deemed necessary, but so long as the power of making a draft upon the employer, or a check upon the banker, or as the possession of bank notes, places them upon the same footing, and gives them the same

power of purchasing commodities as if they had the coin in their pockets—so long as capital in any of those forms passes *current* as money, none of them will deem it necessary so to convert it. On the contrary, C will, most probably, place his thousand dollars in a bank, in order to avail himself of its services to transfer it to his order in such sums, and to such persons as he may desire, thus facilitating his exchanges.

In order that capital in any form shall constitute currency, it is indispensable that it be applicable to the fulfilment of contracts for the delivery of money; that is, if not in the form of coin, it must be convertible thereinto *on demand*. A bond or note, payable in one, two, or three months, or years, cannot be so applied. Its owner may *barter* it, as he would a house, or a horse, but it is invested capital, and cannot be used for the *purchase* of commodities, or for the payment of notes, or other debts payable in money. If he desire so to use it, he must find some one who has uninvested capital, and who is willing to invest it by purchasing his bond, and giving him money in exchange. A bank note, or the check of an individual, that can be converted on demand, will pass current among fifty or five hundred persons, cancelling as many engagements for the delivery of money; but a bank post-note, or a check, that cannot be so converted, will only be received by those who are content to wait, upon being allowed a consideration for the delay and the risk attendant thereon. It cannot obtain currency. The manufacturer who sells his goods on credit, must either have sufficient uninvested capital to enable him to pay the wages of his workmen, or he must find some one who has, and who will exchange it with him for the notes he receives from the purchasers of his goods.

Contracts for the delivery of money, to pass current as money, must be convertible not only at *the time*, but at *the place* at which they are held. The attention of the reader has been drawn to the fact, that the precious metals tend always to the centres of capital of the various portions of the world, and through them to the place of chief consumption, which is London; and that there is a tendency to a constant increase in this exchangeable value as they approach that centre. A bill of exchange drawn on London is therefore more valuable in New York than a sum of money equal in amount thereto; and so is a bill on New York in St. Louis, or a bill on St. Louis in Mexico, their possessors having the power to claim a certain quantity of gold or silver, which has paid the expense of transportation and insurance, on its way to the great market of the world. The appearance of such a bill in New York, has the effect of arresting the efflux of money to a similar amount, while the influx is not diminished, and thus the currency of New York is increased by every transfer of uninvested capital from London, while every such transfer tends to diminish that of the latter. A bill on New York produces no such effect in London, until its owner, having transmitted it to the former, has received money in payment, after the laps of one, two, or three months.

It sometimes happens that contracts for the delivery of money pass current in places where, from the natural course of trade, they would not do so, without special arrangements for that purpose. All the bank notes of Massachusetts pass current in Boston, because the banks throughout the state have agreed to redeem them there. Without such agreement, there would be always a discount upon those payable out of the

city, equivalent to the delay and expense attendant upon sending them home for redemption.

Claims for the *receipt* of money, whether in the form of bank credits or deposits—the notes of banks or of individuals—or of bills of exchange—can be *current*, and can act as *currency*, only when their owners have the *power* to apply them at the *time and place* to the discharge of all engagements for the *delivery* of money.

To constitute currency it is, however, essential, that in addition to the *power*, there should be THE WILL to use, or to make current, capital existing in the several forms above described.

Gold buried in the earth, or deposited in strong boxes, is not currency. Its owner wants the will to use it. Whenever there is an increase in the tendency thus to hoard the precious metals, the currency is diminished and prices fall. Whenever there is a diminution of that tendency, the currency increases and prices rise.

Gold or silver retained in the vaults of banks to meet their engagements, is not currency. If the holders exchange it with those who possess their notes, or have other claims upon them, it is merely a change of the form in which the currency exists; but if they lend it out without cancelling their existing liabilities, it then constitutes an addition to the amount of currency.

Circulating notes, or certificates of deposit, the owner of which wants the will to use them, cease to be currency. Thus, let us suppose the amount on one day as follows:

Circulation, specie and notes	-	-	-	-	\$5,000,000
Deposits,	-	-	-	-	10,000,000
					<hr/>
					\$15,000,000

and that the owners thereof are all desirous of investing it in the purchase of commodities, stocks, houses, &c., but that the morrow brings with it news that war is likely to take place. This intelligence produces doubt as to the stability of the existing state of things, and the owners of capital lose the desire of making investments. The currency is reduced by this change of will, and now stands thus:

Circulation,	-	-	-	-	-	\$5,000,000
Deposits, the owners of which require to use them for the performance of existing engagements,	-	-	-	-	-	5,000,000
						<hr/>
Total currency,	-	-	-	-	-	\$10,000,000

The remaining five millions are not current—they have ceased to have any influence upon the prices of commodities or stocks, all of which fall, because money has suddenly become scarce, although the apparent amount of the currency is unaltered.

If doubt and uncertainty continue to increase, every person who has a claim for money desires to have it paid, and there is a constant diminution in the will to re-invest it. The consequence is a continued fall of prices. The necessity for circulation diminishes with the diminished prices of commodities and the diminished power to purchase them, and it gradually assumes the form of deposits in bank, or in the coffers of

individuals. In this state of things, the parties with whom these deposits are made are not unfrequently, in order to prevent universal bankruptcy, obliged to assume the responsibility of loaning out the capital placed with them, and thus is produced the phenomenon of an increase of the *apparent* amount of currency, with a vast reduction of prices. We now find—

Circulation,	-	-	-	-	-	-	\$4,000,000
Deposits,	-	-	-	-	-	-	13,000,000

\$17,000,000

But the owners of eight or ten millions of these deposits have not the will to use them. The institutions with which they are lodged now owe two millions more than at the first period, and their loans have increased two millions. They are more expanded, yet money is said to be scarce, and prices are reduced one third, or perhaps one half. What is now wanting is, that the owners of capital should acquire the feeling of confidence that is necessary to produce a desire to convert their claims for money into commodities or securities, and thus to invest their capital. The moment that feeling arises, the debtors to the banks are enabled to part with the property they hold, and the same operation cancels at once the *liabilities* of the banks and their *claims* upon the community. The *apparent* amount of currency is reduced, and *prices rise*. The *real* amount is increased, because the owners of capital have acquired the desire to invest it.

Every one familiar with the operations of trade, must have been struck with the fact, that prices are frequently much lower when the liabilities of banks, in the form of circulation and deposits, are large, than when they are moderate in amount. After months of severe pressure, during which it is supposed that those institutions have been steadily reducing their loans, it is found upon inquiry that they are more expanded than ever, the simple reason of which is, that individuals, alarmed at the prospect of a reduction of prices, or the approach of war, withdraw their capital from employment, placing it in the banks on deposit, thus increasing the *apparent* currency, and the banks are compelled to lend out a part of the capital thus deposited, to prevent the ruin of those who have engagements to meet.

A deposit in the Bank of England, to the credit of a person residing in New York, is not currency in the latter; but if he grants his order for the delivery of it, it becomes so, as those to whom it is granted can use it in discharge of debts payable in London. He receives the money that would have been transmitted, had he not made the draft. If he wills to apply it to the purchase of stocks or commodities, its character of currency continues, but if he deposits it in a strong box it ceases to be so.

The proprietors of uninvested capital retain it in the form of coin, or bullion, or deposit it with individuals, or associations, to be transferred by means of circulating notes, checks, or drafts. The total amount thus held may be applied to the purchase of real estate, stocks, or commodities—may become *current*—if the owners will it, or they may hoard their gold, and let their deposits lie idle and unproductive to them, if they want the will to invest it. In the one case, it constitutes currency; in the other, it does not. *Currency is capital seeking investment.*

This definition is more comprehensive than that usually given, which embraces only bank notes and specie, and some of our readers may be inclined to doubt its correctness, but a little reflection will, we think, satisfy them of it. The man who transfers \$1,000 by a draft on a neighboring merchant, or broker, or by a check upon a bank, does so as completely as if he had delivered that amount in gold, or in bank notes. If the person drawn upon does not possess that quantity of uninvested capital, he must dispose of a portion of his invested capital to those who can give him money to meet the draft. He must deliver that amount in such form as will enable the receiver to fulfil any contracts for the delivery of money.

Every increase in the amount of capital thus seeking investment, tends to produce a depreciation of the currency, by raising the prices of commodities. The term depreciated currency is, however, more commonly applied to those promises to deliver money which are in current use, and yet are not redeemed on presentation. Money may thus be depreciated in reference to stocks, houses, and commodities, and bank notes and credits may be depreciated as regards money.

In our next we will endeavor to show what are the causes which tend to produce variations in the amount of currency.

ART. IV.—RATE OF INTEREST—USURY.

THE House of Representatives of the Commonwealth of Massachusetts, during its present session, passed an order that a select committee of five be appointed to consider the expediency of modifying or repealing all laws regulating the rate of interest, except so far as may be necessary to establish a legal rate in cases where there is no rate specified. And that said committee also inquire into the expediency of providing by law, that a rate of interest greater than six per cent. shall in no case be taken, and that a violation of such law shall be considered a penal offence, and be punished by fine and imprisonment. The reports of the majority and minority of that committee have been transmitted to us, by the politeness of the Hon. John P. Bigelow, Secretary of State. It is not possible to insert them at length in this number of our magazine; we have endeavored to present, by liberal extracts from their pages, a fair view of both arguments. The report of the majority quotes the broad principle laid down by a distinguished writer, "that no man of ripe years and sound mind, acting freely, with his eyes open, ought to be hindered, with a view to his own interest, from making such bargain in the way of obtaining money as he sees fit. Nor should any body be hindered from supplying him upon any terms he thinks proper to accede to." This principle the majority report affirms to be manifestly correct; an opinion which we consider to be sound and true.

"The principal reasons," says the majority report, "in favor of a legal regulation of the rate of interest, are two. First, that money possesses an attribute which is possessed by no other commodity, and which is given to it by law, namely,—it is the measure of value. Second, some regulation is necessary to protect the needy borrower from the rapacity

of greedy usurers, who would take advantage of his necessities if the law did not protect him. A slight examination of these reasons may be useful in this inquiry.

"Does money, then, possess any attribute not possessed by other commodities ?

"Money is found in the early stages of civilized society. The precious metals appear to have been adopted as a measure of value, by all nations, on account of their being better adapted to the desired purpose than any thing else. In the exchanges of property, to which a civilized state of society gives rise, it early becomes necessary to find some commodity which would answer as a measure of value in effecting these exchanges. For, as the seller of one article might not be able to obtain, from the person to whom he was selling, other articles necessary for his use, but be obliged to procure them from a third person, it would be necessary for him to take some article in payment which would be received by such third person, or if he must deal with several persons, an article which would be received by any or all of them. The precious metals are well adapted to this purpose. They are so valuable for many purposes, as to be desired by every body. They are not destructible. They are easily transported from place to place. They are divisible into minute parts, so as to be equally useful in the smallest and largest exchanges. For these and other reasons, they appear to have been adopted by general consent. And inasmuch as they were easily adulterated, and it was not always convenient to ascertain their weight, it was found necessary for governments to cut them to pieces of a given weight, and affix a stamp certifying that these pieces were of such weight and of a given fineness, which stamps were originally a mere mark upon the ingot, but changed by degrees to a stamp upon the sides and edges of the coin."

"Now the gold and silver in its uncoined state, is an article of merchandise in the eye of the law, and is bought or sold in the market at a price higher or lower, according to the relative proportion of the supply to the demand. Does, then, the stamp of the government change its character ? That stamp is merely a certificate that the piece is of a certain weight and fineness." * * * *

"It is not perceived that the coining imparts any value to the metal, or clothes it with any special attribute."

"Gold and silver, therefore, would seem, not only as bullion, but as coin, to take their value in the market according to the proportion that the supply of them bears to the supply of other things." * *

"If, we suppose a state of things when money is worth six per cent. interest, and the profits of business will enable a borrower to pay that rate, and leave him also a fair remuneration for his time and skill ; and then suppose another state of things, when, owing to an unfavorable balance of trade, or a famine, which makes it necessary to export the specie in the country to pay for bread, or to any other cause, the supply of money is reduced one half. Prices have fallen. The same amount of money will command twice the value of other articles which it would before, or twice the quantity of real estate. The value of money has doubled,—and doubled in obedience to laws that no legislature can control. But the law forbids the taking of greater rate than it allowed before, and thus inflicts an injury, it may be, on all parties. There is a

demand for money from debtors to pay existing debts. The obstacle thrown in the way of borrowing it at such rate as it is worth, compels them to throw property into market, and sacrifice it at a half or a third of its value, when the scarcity of money may be owing to temporary causes, and a loan for a short time, at a small sacrifice in the way of interest, might have saved a much greater loss. There is also a demand from persons who wish to purchase property at the current low rates. These are prevented from giving what they think it for their interest to give, and from thus creating a competition for property that would prevent that ruinous sacrifice which must be made in many cases. And if any person loans money at the legal rate, in this state of things, and receives payment when the currency has been restored to its former relative value, he can only receive half as much as he lent. He receives the same nominally, but it will command but half as much of any description of property as it would command when the loan was made."

"Regulation of the rate of interest has been thought to be necessary by many, because, were not a rate fixed by law, borrowers would be subject to the extortions of usurers, and needy men, in particular, would be at the mercy of avaricious capitalists. It is, however, the opinion of many, and that opinion is becoming more and more prevalent, that these restrictions not only do not benefit borrowers, but are an actual injury to them. For in loaning money at a rate of interest above that which is allowed by law, the first step is to break the law and become liable to its penalty. The lender takes this risk into the account, and charges a premium for assuming it, which the borrower must pay. Parties also dislike to be known in evading the law, and are thus led to act through brokers; and it is frequently remarked among men of business, that usurers will ask and obtain through brokers prices for money which they would not think of asking if they acted openly for themselves. These expenses are all to be borne by the borrower, in addition to the brokerage, and are all to be traced to the operation of the law."

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"It is a matter too notorious to be denied, that notwithstanding the restraints of law, money takes its market value. It is quoted in the newspapers daily; and it must be apparent, that such is the state of public opinion, that an enforcement of these restrictions is an impossibility which the law cannot achieve. Now, where any law is openly and universally disregarded, it is a serious question whether it should be permitted to remain on the statute book. Public opinion is of superior authority to legislative enactment. Legislation in opposition to it is worse than useless. Not only does the law at variance with public sentiment become a dead letter, but the non-observance of it tends to engender a disposition on the part of individuals to disregard law whenever it may be for their interest or convenience to do so.

"There is another consideration which deserves attention. The tendency of the laws regulating the interest of money, and fixing a maximum rate which may be taken, is to favor monopoly, and in a remote degree, if not directly, promote those convulsions in the business community, with which in this country we seem destined to be periodically afflicted. The law fixes the maximum rate at six per cent. Immense sums are to be loaned by institutions which are under the eye of the authorities, and cannot take any greater rate. Large amounts are also

loaned by individuals, who from conscientious scruples, or perhaps some fear of the law, feel confined to that rate. Circumstances occur which raise the market value of money above six per cent. As money is in demand, those who have it to loan receive many applications for it. The law has fixed the rate of six per cent. as the highest that may be taken. The lender having this fixed in his mind, only considers which applicant offers the best security. As men are apt to be captivated by great names, the probability is, that the money will be loaned to overgrown houses of high credit, or corporations of large nominal capital, and turned away from the hands of the industrious and enterprising part of the community, who are driven to usurers to borrow at a greater rate, without the benefit of that competition which would exist among lenders were there not a law which prevents these lenders from coming into open market. It is remarkable that, in the crisis of 1837, those houses that were most extensively engaged in business, and supposed to be the most substantial, were among the first to yield to the pressure. And it is not improbable, that the tendency of the laws to turn the current of floating capital into the hands of parties of high reputation for wealth, was the primary cause of their too great extension and final failure."

The majority of the committee entertaining these views, were of opinion, that it was desirable to expunge from the statutes of the state the laws relating to usury, as among those unproductive of good, and which were practically disregarded. But they suggest reasons why an entire repeal of those laws would not now be expedient; they think, however, "that the way might be seen clear, to take one step towards the repeal of laws, which can be looked upon only as relics of ancient ignorance and prejudice, leaving it to succeeding legislatures to act farther in the matter, as the public good may require." They therefore reported a bill, that no person should thereafter be liable to certain portions of existing laws, for taking, upon any loan of money made after the enactment of the bill, a greater rate of interest than six per cent., when such greater interest shall not have been taken for a time longer than six months. Provided, however, that corporations or banks are not to demand or receive, in any way, any greater rate of interest or discount than such corporations are now allowed to take by law.

The report of the minority, the author of which stood "solitary and alone," is written with ability, and its style and argument are creditable to the dissentient member. We have already devoted so much space to this subject, that we feel obliged to condense the argument of the minority report into as brief space as possible. The author commences with the remark, that the "experience of all nations and ages has found it necessary to protect the great mass of the community from the avarice and extortions of money dealers and usurers. And this common experience and practice of mankind is certainly one argument in favor of such laws;" referring to the laws regulating the rate of interest.

"There is no more money in the world to be let at one rate of interest than another. The usurer does not make the money that he lets, it is created by government, and ought not to be increased or diminished, and the alternations of scarcity and plenty produced by usurers, is a crime deserving of the severest punishment. The reason for leaving the price of every thing else to take care of itself, instead of being an

argument in favor of leaving the interest of money to take care of itself is the strongest reason against it. When the price of any thing rises, it stimulates a greater production, and the supply is made to meet the demand. But when, on the other hand, the price of money rises, as it cannot stimulate the government to make more money, every person uses it more sparingly, and consequently prices fall, when, if the measure of value had not been tampered with by usurers, prices should have risen or remained stationary. Money is designed to point out to the community the scarcity and plenty of every thing else. But how can it do this, if money itself is liable to the alternations of scarcity and plenty.

* * * *

“Money is not like any thing else in the world. It can hardly be said to be a consumable article. It is so durable, that a large part of the gold and silver in use before the Christian era, is still supposed to be in existence; and the productiveness of the mines but barely serves to keep up in the world the wear and tear of these very indestructible materials; the amount in use, therefore, must always remain about the same, and none of the reasons for the rise and fall of the prices of any thing else, can be applicable to money.”

“It is often contended, however, that the price paid for the use of money is no more susceptible of legal regulations than the rent of houses, the price of goods, or the wages of labor. But the interest of money is not analogous to any of these things, unless there is a kind of analogy between interest and rents. But, then, rents of all kinds depend, in a great degree, upon the interest allowed on money. If the interest on money were twelve per cent. instead of six, the rents of houses and lands would of course be doubled. No man could afford to make improvements, or undertake any kind of business, that would not pay the interest on the capital invested. So if interest were reduced, every one must see that rents, dividends, and profits, would also be reduced. How absurd then, it is, to compare the laws against usury with a law fixing the rents of houses and lands, when it is evident, that this very law against usury does, in fact, fix the rate of rents in the most effectual way it can be done.”

* * * *

“We are often told that both the borrower and the lender desire the repeal of the usury laws, that it is for the interest of the borrower to hire money as cheap as possible, and of the lender to get as much as he can for the use of his money, and the whole matter can be safely left with them. There is more plausibility than truth in these assertions. For it is obvious, upon a little reflection, that the interest of the borrower and that of the lender is not, upon the whole, adverse to each other. It is for the benefit of the borrowers, as a class, to have the rate of interest high; because a high rate of interest enables more men to give up business and live upon the interest of their capital, and consequently leave more business to be done by the borrowers of money. The lower the rate of interest, the more business requiring the investment of large capital would have to be done by the real owners of wealth. It is therefore for the benefit of the borrowers, as a class, to have the rate of interest high enough to bribe the capitalist to lie still, and suffer the borrowers to be the conductors of most of the speculating, mercantile, and manufacturing business of the community, although in this way the people are

obliged to support two sets of men, instead of one, in these employments. There is no reason why the borrowers, as a class, should desire to have the rate of interest low. The borrower does not pay the interest on the money he borrows, any more than the auctioneer pays the auction tax, or the merchant the duties. The borrower, the auctioneer, and the merchant, know that these are each a method of indirect taxation; that the interest, the auction tax, and the duties, are all to be repaid to them with profits by the consumer. It is the consumer, then, and not the borrower, the auctioneer, and the merchant, that has an interest to have all these different contrivances of indirect taxation reduced down to the lowest rate consistent with the general good.

“The experiment of repealing the laws against usury has been tried in almost every country, and found to be pernicious. The rate of interest was formerly fixed in England at ten per cent. This law was repealed in the sixteenth century, and for nineteen years the interest on money had no legal limit. Lord Burleigh, in the reign of Elizabeth, restored the law, giving the following reasons: ‘that the repeal of the statute against usury, had not been attended with the hoped for effects, but that the high price for money, on usury, had more and more abounded, to the undoing of many persons, and to the hurt of the realm.’ In 1685, the rate of interest was reduced to eight per cent. And Sir Thomas Culpepper, a writer of great knowledge, in speaking of the good effects of this reduction of the rate of interest, writes thus a few years afterwards: ‘This good success doth call upon us not to rest here, but that we bring the use of money to a lower rate, which now I suppose will find no opposition—for all opposition, which before the statute was made against it, is now answered by the success.’ Oliver Cromwell reduced the rate of interest from eight to six per cent., and the reduction was confirmed after the restoration, on the following grounds: ‘For as much as the abatement of interest from ten in the hundred in former times, hath been found by notable experience, beneficial to the advancement of trade, and improvement of land by good husbandry, with many other considerable advantages to the nation, and whereas in fresh and recent memory, the like fall from eight to six per cent., hath found the like success to the general contentment of the nation, as is visible by several improvements, &c.’ All the writers of those times seem to agree in the descriptions of the benefits conferred upon the nation, by the several laws reducing the rate of interest. Finally, in 1714, the rate of interest was reduced to five per cent., upon the ground, ‘that the reducing the rate of interest to ten, and from thence to eight, and from thence to six in the hundred, hath from time to time been found beneficial to the advancement of trade, and the improvement of land, &c.’ It should, besides, be remembered, that the repeal of the usury laws in the state of Alabama, was attended with such a rise in the price of money, and other ruinous consequences, that they were re-enacted in less than one year after they were repealed.

“But it is often said, that the laws against usury are not enforced, that the price of money is promulgated every day in the public papers, and that it is sometimes two or three per cent. a month, and that laws which are not enforced had better be repealed. But the evil consists in this, that the *penalty* against usury has been repealed, while the *law* against usury exists on the statute books. There was no complaint of the non-

enforcement of the law, while the penalty for taking excessive usury was a forfeiture of principal and interest. Who would dare to let money to another, at unlawful interest, when he knew that the law made the borrower a competent witness to convict him of usury? But the chance of losing the interest, or treble the interest, is not enough to restrain any body that has a mind to do so, from taking excessive usury. But let the former penalties be restored, and we shall never again hear of money shaving, at two or three per cent. a month."

Such being the opinions of the author of the minority report, he appended to it a bill to restrain excessive usury; which provides, that every contract for the payment of a greater rate of interest than six per cent. should be void, and that, if an action be brought on such a contract, the defendant should recover full costs, and the plaintiff forfeit both principal and interest. That whenever a greater rate of interest than six per cent. shall have been paid, with or without the principal or any part of it, the party paying may recover back all he had paid, both of principal and interest, if process be commenced within two years from the time when the last payment was made. That any person who directly or indirectly shall receive any greater interest than six per cent., shall be deemed guilty of a misdemeanor, and liable to a fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both.

The reports have not been acted upon by the house, so far as our knowledge extends. When they come up for consideration, they will unquestionably elicit a most interesting discussion, which may prove of great importance and value to those in other states, whose attention has been directed to a matter of such universal concern, as the laws relating to the rate of interest upon loans, and punishment of usury.

Public opinion appears to be in favor of a repeal or modification of the usury laws throughout the country. The citizens of Philadelphia have recently petitioned the legislature of Pennsylvania, for a repeal of the law in relation to promissory notes and acceptances having not more than six months to run. The memorialists refer to the beneficial effects which have been experienced in England, during the late severe money crisis, from the adoption of a similar measure, as regards paper having twelve months to run. A pamphlet published in London, in January last, entitled, "Remarks on the management of the circulation, and on the condition and conduct of the Bank of England, and of the country issuers during the year 1839, by Samuel Jones Lloyd," fully corroborates this assertion. Mr. Lloyd is an eminent banker, and is favorably known as the author of several publications on currency and banking, and his testimony is therefore valuable, as founded both upon practice and theory.

We give an extract or two from Mr. Lloyd's pamphlet. At page 54, he says:

"With a view of strengthening the hands of the bank, (of England,) and enabling it to check the otherwise irresistible demands for increased issues upon discount, the usury laws, so far as they affected the rate of interest charged upon discount of bills, have been repealed, and great benefit has arisen from this measure. *It is difficult to say to what extremity the bank would have been reduced at the present moment without this protecting power.*

"The partial repeal of these laws, has been of incalculable advantage to the commercial community, by securing the free circulation of capital,

and the power, by the inducement of higher interest, of determining the application of it to those quarters in which the demand for it may be most intense. This is the true source from which public and private credit in periods of emergency ought to be sought, and from which it will be obtained, more legitimate in its character and more effectual in its purpose, than that which is derived from an improper tampering with the circulation. Of this, recent circumstances have afforded a striking illustration."

The author then refers to the case of the agency of the Bank of the United States, which was enabled to negotiate a large loan, in consequence of this modification of the usury laws, and proceeds thus:

"The inducement offered in the case to which we have alluded, was great; because it required a strong temptation to induce capitalists to direct their resources to that quarter, whilst the object to be gained was worth a high price. Had the same rate of interest been charged to a small dealer in a transaction of limited extent, we should have heard much of the harshness, extortion, and injustice perpetrated under a repeal of the usury laws. This example, however, as well as general reasoning, may teach us to recognise the policy, as well as the justice, of leaving every man free to judge of his own interests, and to decide for himself the price which it may be worth his while to pay for obtaining a certain advantage, or for protection against an apprehended danger. The unexampled firmness, with which the pressure under which the trading world is still suffering, has hitherto been supported, is probably attributable to a combination of causes; but there can be no doubt *that the free circulation of capital, resulting from the modified repeal of the laws by which it was restrained*, has materially contributed to this result. Happily in this case, as in most others in commercial affairs, where there is free competition, the interests of the community and that of the individual are never at variance."

ART. V.—THE OPIUM TRADE—ENGLAND AND CHINA.

THE belligerent attitude recently assumed by England towards China, has produced, and is still creating, consequences which must ere long end in the entire suspension, if not utter annihilation, of our valuable Chinese trade. In either case, the most ruinous results will fall heavily upon the interests of our wealthy and enterprising merchants, many of whom are largely engaged in it, and who are free from the slightest suspicion of having trafficked in the interdicted drug—a practice held in such abomination by the Chinese emperor.

As the opium traffic to China, from the time of its commencement until the enactment of the bloody drama lately produced by it in that country, has throughout combined to call into existence the measures by which our commerce is likely to suffer permanent and irreparable injury, its history, and the effect it has produced upon the inhabitants, and incidentally upon the government of China, must be known and apprecia-

ted, before the great causes which have influenced the emperor to adopt a strict, perhaps severe course of policy, for its suppression, can be fully understood.

It is now more than seventy years since, that Colonel Watson, then an officer in the service of the East India Company, first proposed to take advantage of the taste manifested by the Chinese for opium, by shipping it from British India to support the revenue of the company. No considerations of morality or religion were urged against this novel, and, to christian men, somewhat startling expedient, which was at once adopted by the council, and measures taken for carrying it into immediate effect.

Before this period, the amount consumed by the Chinese did not exceed two hundred chests annually. This was admitted by their emperor upon the payment of a slight duty, entirely on account of its medicinal qualities, and wholly ignorant of the baleful influences produced by it, when habitually used as a stimulant.

In 1767, the number of chests had increased to one thousand, at which annual rate it continued for several years after.

The East India Company were, during this period, in the full and profitable enjoyment of the trading monopoly of half the eastern world; and the cultivation of opium within their territory, and its importation, was insignificant, when compared with other vast interests, from which their revenue was derived. And this affords an explanation of the indifference manifested by them towards increasing this traffic, when the income derivable from it was so little necessary to their prosperity, and at the same time fully accounts for its immense increase, after their commercial and trading franchises were thrown open to all British subjects, and freely shared by individual competition.

In 1781, larger adventures were made in opium for the Chinese market, and immense profits were realized from its sale. As a natural consequence, the trade was continued upon a scale of increased magnitude, and during the same year, the Bengal government freighted an armed vessel with it, the proceeds of which were paid into the treasury of the company at Canton. Three years afterwards, another ship, containing a still greater quantity than any that had preceded it, was sent to China from British India, throughout the territories of which it was annually cultivated.

This extensive introduction of the drug among the Chinese, and the intemperate use which they made of it, gradually injured a great portion of them; and instances of its destroying the physical and intellectual energies, and finally the lives of its votaries, were alarmingly frequent.

To those unacquainted with the destructive consequences resulting from the continued use of opium, the recital would be sufficient to fill their imaginations with the most frightful images of human suffering. The habit, slowly yet surely, coils itself around the miserable victim, until he is chained in the half-clutched grasp of death; and when once he becomes enslaved by it, his doom is sealed, and no hope on earth is left for him. To resist the destroyer is beyond his strength; and we have the testimony of eminent medical men, men of experience too, that direful consequences, and even death, would often result from sudden and total abstinence.

Like alcohol, opium, in the mind of its new votary, creates bright and

pleasing visions, although its effect is much more powerful. When taken by those whose constitutions and intellects are unimpaired, all objects appear clothed in a gorgeous and heavenly light. The most bright and glorious imaginings are conjured up by its influence, and their fancies are bound in the glittering spell of a mighty enchantress. But when it has brought upon the wretched victim disease of mind and constitution, the effect produced by the drug is fearfully changed. Instead of creating pleasurable sensations, the imagination clothes surrounding objects in all the frightful horrors of hell. Every gloomy thing which a distempered vision can create haunts the mind, peopling it with dreary and revolting imagery. Sleep no longer furnishes repose, for it brings with it the most unearthly and frightful dreams; and a state of mental misery, too dreadful to be borne, inflicts its daily and nightly curse. But the effects of the poison do not stop with intellectual destruction. While under its influence, the gestures of the victim are frightful; the eyes have an unnatural brilliancy, and the expression of his countenance is fearfully wild. The physical debility which results from the excitement is awful. The appetite is soon destroyed, every fibre in the body trembles, the nerves of the neck become affected, the muscles get rigid, the digestive organs are rapidly impaired, the frame becomes emaciated, the memory speedily fails, and he becomes prematurely old, until at length his very existence is a deep, a dreadful punishment; and after offering up to the revengeful god which his appetite has created, the powers of his intellect, the health and energies of his body, and the last gleam of his moral perceptions, death casts around him her dark shroud, and he is removed from the scene of his mortal sufferings.

The destructive effects we have described, in a short time after the increased introduction of opium into the Chinese empire, developed themselves among the inhabitants with alarming rapidity.

From a few isolated cases of disease, suffering, and death, the number swelled to thousands, until 1796, its baleful influences had become a national curse. Whole communities were infected by the poison, and health, happiness, fortune, and life, were cut off by the destroyer. The Emperor of China saw the rapid strides of the deadly agent, which he had suffered to enter his dominions while clothed in its original garb of a simple and useful medicine, and wondered that it could so soon have become transformed into the fell murderer of his subjects, and trembled as he looked upon the vast amount of human suffering and death which its votaries had already heaped around this altar of their mad idolatry. He saw them sacrifice to its worship, their families, their friends, their future hopes and joys; and traced to its demoralizing source, the powerful elements that would, unless annihilated, number the days of a dynasty whose years were told by tens of centuries.

Detesting the considerations that could urge an increase of revenue by permitting the longer introduction of a drug so deleterious in its consequences, the emperor created, and caused the promulgation of a law, by which, in 1796, its importation was wholly interdicted, and those found guilty of smoking it were pilloried and bamboosed, and the venders and smugglers made liable to the severer penalties of banishment and death.

As no treaty existed with any foreign power by which its introduction into his dominions was guaranteed or sanctioned, his right to interdict it

was clear, absolute, and unlimited ; and in prohibiting its traffic under the penalties we have mentioned, he committed no infringement of the commercial rights of other nations ; and the subjects of Great Britain, although deeply interested in its continuance, were entirely destitute of the slightest foundation for complaint.

This law, although universally known by all foreign merchants, was openly disregarded, and opium, in defiance of its mandates, was still sold to the infatuated Chinese in increased quantities, and at higher prices than before. The supineness and utter inefficiency of the Canton authorities to enforce it, permitted its violation with impunity by the English, through whom nine tenths of the drug was introduced, while all attempts to punish the native vender were rendered abortive, by the refusal of the wretched consumer, even under torture, to divulge his name. In a short time, bribery and corruption were resorted to for the purpose of silencing the subordinate officers employed by the emperor, that the introduction of the drug might be continued with greater safety ; and the destructive appetite engendered by its use, and the prohibitions existing against it having greatly advanced its price, the importation from British India continued to increase, and its dreadful influence upon the Chinese progressed with startling rapidity. Again and again, did the emperor of that nation send forth his stern and strict decrees against the deadly traffic ; but they were unheeded by those upon whom it was showering the wealth of princes, and unheard by the wretched beings to whom the knell of its discontinuance would have sounded with more solemn dread than the warning voice of their own immediate destruction.

The East India Company, by whose merchants most of it had been imported, and throughout whose dominions its cultivation was rapidly increasing, at length became fearful that if they continued openly to deal in it, their other trade to China, which was of much greater importance, would be injured, and their servants were commanded not to import it in the ships of the company, under pain of being dismissed from their service.

If this prohibition had proceeded from the desire to cause a discontinuance of the iniquitous traffic in which they had been engaged, their motives would have been worthy of an enlightened, a humane, and christian age ; but as the end will show, their object was widely different. Notwithstanding their refusal to employ their own vessels for its continuation, a monopoly was created, by which more than half the opium raised in British India was cultivated under their direction, and for their benefit, expressly for the Chinese market ; which, after being sold in Calcutta to private individuals at an immense profit, was shipped to Canton, its original place of destination.

As the situation of England with reference to the opium traffic cannot be thoroughly understood, and the principles upon which she has acted, and will continue to act, in her relations with China, appreciated, without an acquaintance with the nature and extent of interest which her government and East Indian subjects possess in its continuance, it becomes necessary to bestow upon these a brief examination. Previous to the 10th of April, 1814, the East India Company enjoyed the rich monopoly of the entire eastern trade ; and the extent and variety of their commercial transactions and interests, prevented them from paying much

regard to the cultivation of opium within their territories, and as we have before remarked, furnished the entire cause of forbidding its transportation. Since that period the trade has been opened to all English subjects, and private competition soon triumphed over its unwieldy rivals. As the revenue derived from their commerce decreased, it became necessary to resort to some means by which the deficiency could be supplied, and as the officers of that company have never been remarkable for morality or conscientious scruples when their interests chanced to weigh in the opposite balance, the extended cultivation and sale of opium within their dominions, intended for the Chinese market, was determined upon. The regulations by which this has been accomplished, and the tyrannical means through which they have been enforced, are characteristic of the colonial policy which Great Britain has ever pursued, and which is productive of more horrors to the miserable men over whom it is exercised, than has ever fallen to the lot of those whom modern slavery openly and avowedly chains.

The extent of territory occupied by the poppy in India, and the amount of capital, and number of inhabitants, engaged in the preparation of opium, are much greater than in any other part of the world.

The provinces of Malwa, Benares, and Patna, furnish the principal quantity, and almost every chest of the drug exported from India bears one of their names.

Although the chiefs of the former province are subject to British control, yet its soil is not under the management of the company, but they derive no inconsiderable sum from the transit duties levied upon the opium raised within it, as it passes through their territory, on its way to Bombay or Calcutta, where it is sold, principally to British merchants. But in the latter provinces, the company have for many years exercised over the inhabitants an authority quite as despotic as that by which the serfs of Poland and Russia were ever ruled. The owners of the soil, who are called Ryots, are compelled annually to cultivate, for the company, a certain portion of their land for the production of opium. No one is suffered to cultivate it for his own benefit; and should he undertake it without first entering into an agreement with the company at their fixed and arbitrary rate, his property is immediately seized by their officers, and he is compelled either to destroy his poppies, or to give ample security for the faithful delivery of the product.

Advances of money are made to him through their subordinate officers and servants, and if the Ryot refuses to accept the advance, it is thrown into his house; and should he attempt to abscond for the purpose of avoiding this unjust imposition, he is forcibly seized, the advance is tied up in his clothes, and he is thrust into his house and there confined, until, perceiving resistance useless, he submissively wears the chains which oppression in its worst form has thus thrown around him.

Immense tracts of land, the richest and most valuable of any in British India, which were formerly used for the cultivation of more useful and less deleterious plants, have, for several years past, been covered with poppies, produced by the system of tyranny we have described. Every successive year has marked their increased spread, and has brought with it and heaped upon the weak and unoffending natives additional wrongs and multiplied cruelties; and even the miserable pitance which the company advance to compensate them for their labor

and the use of their soil, is more than three fourths absorbed in passing through the hands of corrupt and oppressive officers before reaching its legitimate owners. But the poor natives must not resist, or their fate is rendered still more wretched, and the few rights they are permitted to enjoy entirely wrested from them. The officers of the company, their legalized plunderers, are suffered to exercise unlicensed arbitrary powers. As the cultivation of the drug is *forced* upon them, they are suspected of concealing it for private sale and personal advantage ; and the surveillance exercised over them, for the purpose of detection and punishment, is attended with hardships and the vilest oppression.

In order to extort bribes, all which they hold most dear is violated, and the privacy of their miserable abodes, and the sanctity of their females, must be purchased from the police and custom house searchers, at whatever sums their grasping avarice may induce them to demand. And all these manifold outrages upon the liberties of men—these barbarous impositions and cruelties—these palpable, repeated, and continued violations of morality, religion, and common justice, are perpetrated and sanctioned by the laws of enlightened England—that christian, slavery-hating nation, whose statesmen profess to look upon the institution of slavery in this country with indignation and holy horror, and who denounce its authors as the enemies of liberty, christianity, and freedom. Let them turn from us, and look upon the dark face of their vast Indian empire, and there mark the gloomy bondage of millions and tens of millions, chained to the cultivation of a drug, the consequences of which are misery, disease, and death ; let them there examine the cruel mockery of a system of laws which, although nominally conferring freedom and the rights of acquiring and enjoying property, in reality fastens upon the victim a severe and lasting bondage—making him a miserable slave upon the soil which he is told to call his own ; and then let them, if they dare, publish to the whole enlightened world the true features of American and British slavery, side by side, and let heaven judge between the horrors of each, and hurl retribution upon that nation which is most guilty, and for our own we should have no fear.

Great Britain cannot charge the responsibility of the enormities we have mentioned, upon her colonial government ; nor has she ever been ignorant of their extent and cruelty. The whole subject of Indian revenue and commerce, was before the imperial parliament in 1832, and the cultivation of opium constituted its most prominent feature. A mass of evidence was spread before a committee of investigation appointed by the house of commons, in the course of which the iniquitous and wicked measures by which the company compelled the cultivation of opium, were fully and forcibly delineated ; and the manner in which its traffic with the Chinese was carried on, developed and explained. But the revenue of India derived from it, and the immense amount of capital which was invested in it by British merchants engaged in the Chinese trade, triumphed over the considerations of morality, justice, and national honor ; and in the report of the committee, received and sanctioned by both houses of parliament, it was declared inexpedient and improper to reduce the revenue of British India by annihilating the opium interest ; and upon these grounds did England openly countenance, and in effect legalize, a traffic, which was annually destroying millions, and which was carried on in open violation of Chinese laws and international right ;

and in doing this, she made herself responsible for all the direful consequences that have since resulted from it; and a part, perhaps but a small part of them, has been the execution by the Chinese authorities of thousands of their miserable people for smuggling the interdicted drug from the British ships; the destruction of property, health, and life, which it has caused throughout the Chinese Empire; the vast injury it has created to the trade of all nations whose vessels visit Canton; and finally, the recent insane and bloody career of Captain Elliot in the waters of that port.

Since this openly expressed determination by the parliament of Great Britain to continue its cultivation, the quantity of opium produced in India has rapidly increased, as will be seen by the following statement of the amount sold by the East India Company at Calcutta, from 1800 to 1837.

In the season ending—

		Chests		Sicca Rupees.
1800	- - they sold	4,054	- - for	3,142,591
1810	- - "	4,561	- - "	8,070,955
1820	- - "	4,006	- - "	8,255,603
1830	- - "	8,778	- - "	11,255,767
1835	- - "	12,977	- - "	13,215,464
1837	- - "	16,916	- - "	25,395,300

The value of the Sicca Rupee varies, its lowest rate being about forty-six cents. Taking it at this valuation, the opium sold by the company in 1837 would amount to eleven millions six hundred and eighty-one thousand eight hundred and thirty-eight dollars.

The actual costs to the company, of producing and selling it in Calcutta, is three millions eight hundred and ninety-three thousand nine hundred and forty-six dollars, leaving them a profit of seven millions seven hundred and eighty-seven thousand eight hundred and ninety-two dollars.

The table of sales which we have given, is taken from Mr. Montgomery Martin's useful and elaborate work, entitled "*Statistics of the Colonies of the British Empire*," and may be relied upon as perfectly accurate, while our information in respect to the profit derived from the drug is obtained from the official accounts of the company.

This vast sum forms a part of the revenue of Great Britain. The East India Company are the trustees of the crown, and as such, are accountable for its just and proper management. By an act of the British Parliament, all the real and personal property belonging to them, was on the twenty-second day of April, 1834, vested in the crown, subject to all claims, debts, contracts, etc., then in existence, or which might be created by competent authority.

By this act, the functions of the company were made wholly political, and they were to continue the government of India, with the concurrence and under the supervision of the board of control, till the thirtieth of April, 1854, and all participation in commercial interests was taken away.

From this it will be seen, that since the twenty-second day of April, 1834, the government of Great Britain has been deeply interested in continuing the opium traffic. Its annihilation since that period, would have cut off a material source from whence her revenue is derived, and would have produced great embarrassment in the management of her Indian possessions. The measures taken for the purpose of increasing

the cultivation of the drug, since its imperial proprietor succeeded to the enjoyment of its profitable returns, are conclusively evident of a determination to make this branch of the royal revenue as large as possible.

In 1835, as our statement shows, the number of boxes sold in Calcutta was twelve thousand nine hundred and seventy-seven, and the sum received for them amounted to six millions seventy-nine thousand one hundred and twelve dollars forty-four cents; while in 1837 the number of boxes had increased to sixteen thousand nine hundred and sixteen, and the amount for which they sold had advanced to the enormous sum of eleven millions six hundred and eighty-one thousand eight hundred and thirty-eight dollars, almost one hundred per cent. in the short space of two years.

This immense increase in the cultivation and sale of the drug, under the express sanction and authority of the English government, has been produced solely and openly for the Chinese market—the ultimate destination of all the opium raised in British India; and in an article written by D. Butler, M. D., late opium examiner of the Benares agency, "On the preparation of Opium for the Chinese market," communicated to the Benares and Behar agencies, in 1835, and published in the *Journal of the Asiatic Society of Bengal*, in March, 1836, the purpose for which the poppy is cultivated, and the drug prepared to such a vast extent, is plainly and unequivocally declared.

From this article, it appears that the Chinese value any sample of opium in direct proportion to the quantity of hot-drawn watery extract obtainable from it, and to the purity and strength of the flavor of that extract when smoked through a pipe; and the whole aim of the agencies is to prepare it so that it may retain as much as possible of its native sensible qualities, and its solubility in hot water. And it is on account of its superior qualities upon these points, that Benares opium brings a higher price in the Chinese market than that of Behar, Malwa, or Turkey, the last of which, however, is mostly consumed at home, although during some years two thousand boxes of it have been imported into China.

Our statement of the quantity of opium sold in Calcutta, does not embrace that produced in the Malwa district, the cultivation of which is not monopolized by the company, although, as we have before stated, they levy heavy transit duties upon it as it passes through their dominions to Bombay and Calcutta, where it is sold. And as this adds materially to the revenue of Great Britain, and yields rich profits to the English merchants, by whom the whole of it is purchased, the greatest exertions have been made to extend its cultivation within this district; with what success will be seen, from the fact, that in 1821, but two thousand two hundred and seventy-eight chests were produced, while in 1835, the number had swelled to twelve thousand nine hundred and thirty-three; but forty-four less than were raised in the provinces of both Benares and Patna, and in 1837 the amount had increased to nearly fifteen thousand.

In 1838, the East India Company, and through them the English government, derived a revenue of at least three millions of pounds from the cultivation of opium within the districts of Benares and Patna, and the duties levied upon that produced in Malwa, besides the vast sums which were made upon its sale in the Chinese market by British merchants, which has tended greatly towards enriching the commerce of the English nation, has served to create and keep the balance of trade with the east

in her favor, and, what is of still greater importance, the glittering current of English gold and silver which formerly flowed into the Chinese empire is long since stayed; opium has taken its place, and for several years past has caused a torrent of the precious metals to rush in the opposite direction.

Indeed, viewing this subject apart from the great questions of religion and morals, happiness, and human life, and both England and China have important pecuniary interests staked upon the event, and one of them must suffer deep and lasting injury in the important national results likely to follow. Both of them cannot escape: the former must surrender that portion of her revenue derived from a system of smuggling approved and sanctioned by her government, or the latter, after being robbed of her money,—when the “sycee silver” shall have entirely “oozed” out, and her national wealth, the foundation of her strength, shall have departed,—will fall an easy unresisting prey to a rapacious and powerful adversary.

Having, as we believe, explained and defined the true foundation and source of nearly the entire opium traffic, and the golden considerations that have induced the English government to create its ten fold increase within the last few years, we will return to an examination of the policy pursued by the Emperor of China for its destruction, whose measures and decrees, owing to the incapacity or bribery of his officials, do not appear ever to have been rigorously enforced against foreigners until the appointment of the imperial commissioner Lin, in March, 1839. That they were not sternly and strictly executed was not the fault of the emperor. It is entirely chargeable to the lenity, corruption, and forbearance of his officers, and the lawless daring, rendered formidable by armed force, with which the drug has been smuggled into his dominions.

In 1816, the Hong merchants, who have always been compelled by the emperor to assume many heavy, and often unreasonable responsibilities, in the conduct and management of the Chinese trade, were, by an imperial decree, bound to ascertain and report any vessel engaged in its importation, that the reception of her cargo might be refused, and measures taken to drive her from the waters of China; and whenever a ship arrived in port, they were obliged to execute a bond that she had no opium on board. It is needless to say that these regulations were entirely ineffectual for the accomplishment of the object intended. The Hong merchants participated largely in the profits derived from the illegal traffic, and the reports made by them to the imperial court were falsely colored to advance their interests, and British merchants, who, if we were to credit the assertions of M. Jardine, made at a public dinner given him by the resident foreign merchants on the eve of his departure from Canton, “occupy a high place among the merchants of the East,” and who are “not smugglers,” did not hesitate to bribe the subordinate Chinese officials silently to permit the introduction of opium by paying from sixty to eighty dollars upon each chest. The consumers were increasing upon a scale of fearful rapidity, and those whose duty it was to execute the laws, were daily surrendering themselves victims to the alluring poison. The native venders of the drug were not slow to imitate the criminal baseness of the more enlightened and christian Englishman, by purchasing silence from the subordinate authorities at the expense of thirty, forty, and at times eighty dollars per chest.

Smuggling was openly carried on in Chinese boats built expressly for that purpose, and formidably manned and armed, and the mandarin boats, or those commissioned for the capture of smugglers, were seldom bold enough to attack their more powerful adversaries, who, even if greatly overmatched in numbers and strength, would never yield, preferring death by the sword, to strangling, which was their doom if taken.

Against such a powerful combination of circumstances, all tending to add to and perpetuate the traffic, the imperial decrees, with all the trembling fear and respect entertained for them by many of the Chinese, interposed but a feeble barrier, and every few months saw new ones promulgated, to be violated like those by which they had been preceded. In 1833, the amended law upon the subject was as follows:

"Let the buyers and smokers of opium be punished with one hundred blows, and condemned to wear the wooden collar for two months. Then let them declare the seller's name, that he may be seized and punished with death, and in default of his discovering the vender, let the smoker be again punished with one hundred blows, and three years banishment, as being an accomplice. Let mandarins and their dependents, who buy and smoke opium, be punished one degree more severely than others; and let governors of provinces be required to give security that there are no opium smokers under their jurisdiction, and let a joint memorial be sent in, representing the conduct of those officers who have connived at the practice."

That this law was sufficiently rigid and severe to prevent the introduction and use of opium, cannot be doubted; and that it failed to accomplish these ends, shows the laxity with which it was enforced, and the treachery, bribery, and cunning, by which it was evaded.

If rumors of this grand scheme of smuggling chanced to reach the ears of the emperor at Peking, new and severer edicts were thundered forth against it, which, upon reaching Canton, were calculated to effect nothing, except, perhaps, to cause the vessels engaged in it to move farther from the city until the excitement caused by their first appearance had subsided; or to produce a few hostile encounters between the mandarin boats and smugglers.

In this manner were the laws transgressed by the natives, while foreigners looked upon them with contempt, or treated them with open ridicule. Some instances occurred, in which the execution of their provisions were enforced; but the punishment had ever fallen upon the ignorant, degraded Chinese, instead of reaching the foreign merchants, who were enriched by the nefarious traffic at the expense of fortune, friends, happiness, and life.

The following statement, taken from a work entitled, "China: its state and prospects with especial reference to the spread of the Gospel," exhibits the consumption of opium in that country from 1825 to 1837; although, from the extreme difficulty attendant upon ascertaining all that has been smuggled in at various avenues, we imagine that it does not embrace the entire amount introduced during that period.

	Chests.	Value in Dollars.
1825	9,621	7,608,205
1830	18,760	12,900,031
1832	23,670	15,338,160
1836	27,111	17,904,248
1837	34 000 . about .	23,000,000

The unexampled increase of this abominable traffic, in violation of Chinese laws and maritime regulations, and the seeming impossibility of effecting its destruction, combined with the financial policy of enlarging the national revenue by its continuance, in 1836, induced Hew Naetse, vice president of the sacrificial court, an officer of considerable dignity, to present a memorial to the emperor at Peking, praying for the unlimited introduction of the drug into the empire on payment of a duty.

The reasons by which he enforces this recommendation, although termed "sage expositions" by a writer in a late number of Blackwood's Magazine, have impressed us with a very different estimate of their moral or political value. Take, for example, the following, in which the waste of human life is considered, by this high officer, of slight importance, when compared with the loss of revenue and Chinese silver, which he contends the free importation of opium would obviate.

"It will be found on examination, that the smokers of opium are idle lazy vagrants, having no useful purpose before them, and are unworthy of regard or even of contempt. And though there are smokers to be found who have overstepped the threshold of age, yet they do not attain to the long life of other men; but new births are daily increasing the population of the empire, and there is no cause to apprehend a diminution therein."

Again; after advancing the strange proposition, that the more severe the penalties are that exist against the traffic, the more bribery and corruption would be resorted to for the purpose of evading them, and the more frequent and palpable violations of the law would be perpetrated; and that, for these reasons, all prohibitory enactments should at once be removed, he proceeds to state, that, "With regard to officers civil and military, and to the scholars and common soldiers, none of these must be permitted to contract a practice so bad, or to walk in a path which will lead only to the utter waste of their time, and destruction of their property;" and he recommends, "that it be enacted, that any officer, scholar, or soldier, found guilty of secretly smoking opium, shall be immediately dismissed from public employ, without being made liable to any other penalty."

And farther:—

"Besides, the removal of the prohibitions refers only to the vulgar and common people, those who have no official duties to perform. So long as the officers of government, the scholars, and the military, are not included, I see no detriment to the dignity of government; and by allowing the importation and change of the drug for other commodities, more than ten millions of money will annually be prevented from flowing out of the central land."

These "sage expositions" furnish their own comment, which renders it unnecessary for us to say one word as to their irreligious and demoralizing tendency. The important document in which they are contained, was ordered by the emperor to be submitted to the Hong merchants, and Tang, the governor of Canton. The principles embodied in the report made by them, and transmitted to the imperial court at Peking, did not materially vary from those contained in the memorial of Hew Naetse, and in accordance with his views, they advised the legalization of the traffic, upon payment of fixed duties.

In the autumn of 1836, Choo Tsun, member of the council and the

board of rites, and Hew Ken, sub-censor over the military department, fellow-ministers of Hew Naetse, presented counter-memorials, in which the deleterious effects of opium are forcibly presented, and the destructive consequences that its habitual use was inflicting upon the Chinese eloquently described. They reasoned strongly against revoking the existing prohibitions, and maintained that it would be wholly insufficient to prevent the export of silver, while the enervation and corruption of the Chinese would be fearfully increased, if all restraints imposed upon the use of the drug were removed; and concluded by advising the prompt adoption of vigorous and energetic measures, for the annihilation of the entire opium trade.

Refusing to increase his revenue at the expense of the happiness and lives of his subjects, the emperor determined upon the extermination of the traffic at any sacrifice; and the immediate result of the memorials we have mentioned, was a special edict, by which he commanded certain foreign merchants engaged in it to leave Canton. This was partially evaded, and the traffic continued throughout the year 1837, and until the summer of 1838, the dealers paying to the subordinate local authorities seventy-five dollars per chest for conniving and assisting in these wholesale smuggling operations.

But the miserable and deluded Chinese did not so easily escape the penalty of outraged laws. Many of them were taken, condemned, and executed; and those engaged in smuggling the drug, were hunted down and killed by the mandarins and their soldiers. Fierce encounters were continually occurring, and the blood of the poor natives was poured out to the last drop, in carrying on a traffic that was conferring upon guilty foreign merchants, who were the sole instigators, the wealth of princes.

The emperor at length saw that its abolishment was impossible while foreigners were suffered openly to bring the drug into the port of Canton, and the neighboring waters, and he formed the determination of coercing them, if necessary, into obedience to his laws. For this purpose, Lin was appointed high commissioner from the court of Peking, to proceed to Canton, where he arrived on the tenth of March, 1839.

He was invested with plenipotentiary powers, and was authorized to create and execute such measures as he should deem necessary and right. Born and educated in one of the maritime provinces, and having had an early acquaintance (as he says) with all the arts of foreigners, he was well qualified to discharge the arduous duties of his trust. He is described as about fifty-five years of age, of middling height, rather stout, and of stern demeanor. It is said that he received from the emperor in person the seal of his high commission, and that the monarch recounted to him the evils that had long afflicted his children, and, adverting to the future, paused and wept, and turning to the commissioner, said, "how, alas, can I die until these direful evils are removed?"

Having made his entrance into Canton, eight days were occupied by Lin in making inquiries; and on the nineteenth of March, two special edicts were issued, one to the foreigners of all nations, and the other to the Hong merchants, both of which caused great consternation and excitement. The foreign merchants were required to deliver up to the Chinese government all the opium which they possessed on board their store ships, and strict commands were issued that "not the smallest atom must be concealed or withheld." They were also required to give a bond, written jointly

in the foreign and Chinese languages, that their vessels which should resort to Canton would never again dare to bring opium; and that if any was brought it should be forfeited to the government, and all the parties should suffer the extreme penalties of the law, and that such punishment should be willingly submitted to. Promises of rewards, and the continuance of prosperous trade, were made to such foreigners as would at once comply with these requisitions, and threats of punishment, according to the severe terms of the law, were thundered against those who refused to deliver the hated drug, and three days were allowed them to determine upon the course they should think fit to pursue.

These were the terms upon which past transgressions were to be forgiven and forgotten, and by which men who had in a thousand instances violated laws, the penalty of which was death, were to be pardoned and their numerous offences blotted out. What would have been the punishment which the laws of Great Britain would have inflicted upon the offenders under such circumstances? Suppose a gang of American smugglers, or merchants, to preserve the analogy, had been for years engaged in smuggling goods into the Liverpool market, in open defiance of English laws. Would the delivery of the interdicted articles, and a bond to "go and sin no more," save the offenders from the punishment they had so criminally provoked? Look at the statistics of crime in England, and its punishment, and the records of centuries contain the answer.

The edict issued by the high commissioner to the Hong merchants, enumerated the many instances in which they had been guilty of conniving at the introduction of opium, and threatened one or two of their number with instant death, unless they earnestly and faithfully endeavored to procure its delivery, and prevent its importation.

A third edict immediately followed, by which all foreign residents were forbidden to leave Canton; and the factories were surrounded by armed men, to enforce its obedience. The running of passage boats between Canton and Whampoa was suspended, and all communication between the two places was closed. On the twenty-first of March, the general chamber of commerce was convened, for the purpose of considering upon the expediency of complying with the demand of the high commissioner; and after a protracted and animated discussion, a committee was appointed to report upon the subject, and a communication was transmitted to the Hong merchants, stating that the delivery of the opium was of such vital importance, and involved such complicated interests, that no answer could be given until time should elapse for reflection and deliberation.

This was immediately laid before the imperial commissioner, who was dissatisfied with its import; and the Hong merchants returned from Canton to the foreign factories, and, at their request, a special meeting of the chamber was called, at which they expressed their apprehensions, that unless some opium should at once be delivered, one or two of their number would be beheaded in the morning; and it was finally agreed that one thousand and thirty-seven chests should be surrendered to the government to be destroyed. The reception of this contemptible amount was promptly rejected by the commissioner, and demands for an additional quantity were made.

The report of these energetic and unexpected proceedings having reached Macao, Captain Charles Elliott, chief superintendent of the trade

of British subjects in China, immediately published a notice, requiring all English vessels to proceed forthwith to Hongkong, hoist their national colors, and place themselves in a posture of defence.

As no demonstrations of violence had been exhibited towards foreigners at Canton, except such forcible measures as were absolutely necessary to compel the delivery of the interdicted drug, and which the imperial commissioner was bound by every principle of national justice, and by the solemn official oath he had taken, to enforce; and as not the slightest indications existed, by which Captain Elliott could have apprehended an attack at sea, his notice was entirely unnecessary and unwarranted, and was calculated to excite the greatest confusion and alarm, without the least foundation.

But in issuing this, he had not consummated his egregious folly and blustering cowardice; for on the following day, the twenty-third of March, a second notice was published, in which he declared his entire want of confidence in the justice and moderation of the Chinese government; expressed his opinion that it had committed what, according to the genius of enlightened nations and the principles of reason, was, if not an act of declared war, at least its immediate and inevitable preliminary; declared it impossible to maintain continued and peaceful intercourse with safety, honor, or advantage, till definite satisfactory explanations had passed; avowed his intention to demand from the Chinese government passports for all British subjects within ten days; stated that the Portuguese authorities at Macao had pledged themselves to afford English subjects, resident there, every protection in their power; and wound up his genuine John Bull tirade, by declaring that should the passports be refused for more than three days from the time his application for them should reach the Chinese government, he should be driven to the conclusion that it was its intention to detain all British subjects as hostages, and to endeavor to intimidate them into unsuitable concessions and terms by the restraints of their persons, or by violence upon their lives or property, or by the death of native merchants in immediate connection with them both by ties of friendship and interest.

To this mad proclamation he attached a sort of codicil, kindly offering the benefit of his bombastic observations to all the foreigners in China.

Immediately after its publication, this sapient and most dignified commercial representative of her majesty jumped into his cutter, and started for Canton, where he arrived the next day about sunset, when the same measures were adopted by the Chinese authorities for his detention, as were enforced in respect to other foreigners.

On the twenty-sixth of March, a proclamation was issued by the imperial commissioner, "desiring foreigners to deliver up their opium under four heads, or for four reasons;" all of which partook more of christian forbearance and official lenity, than the warlike preparations of Captain Elliott would have led us to hope.

The first was, that "they ought to make haste and deliver it, by virtue of that reason which heaven hath implanted in all of us."

The second, that "they ought to deliver it, in compliance with the laws of the land."

Thirdly, that "they ought to make immediate delivery of the opium, by reason of their feelings as men."

And, fourthly, that "they should give it up, by reason of the necessity of the case."

These were each supported by elaborate and sound arguments, which would do honor to the statesmen of more enlightened nations; and in conclusion, the high commissioner remarked, that "he, and the governor and lieutenant governor cannot bear the idea of being unnecessarily harsh and severe; and therefore it is that his mouth is wearied as it were entreating and exhorting." And he promised the foreign merchants, that having once made the delivery of it, their trade should go on more flourishing and abundantly than ever, and that tokens of regard should be heaped upon them to overflowing.

When this document reached Captain Elliott, his war excitement had nearly subsided, and a determination to retreat from his disagreeable position had assumed its place.

Accordingly, on the morning of the twenty-seventh of March, he issued a public notice to British subjects, in which he says:

"Now I, the said chief superintendent, thus constrained by paramount motives affecting the safety of the lives and liberty of all the foreigners here present in Canton, and by other very weighty causes, do hereby, in the name and on the behalf of her majesty's government, enjoin and require all her majesty's subjects now present in Canton, forthwith to make a surrender to me, for the service of her said majesty's government, to be delivered over to the government of China, of all the opium under their respective control, and to hold the British ships and vessels engaged in the trade of opium, subject to my immediate direction, and to forward me without delay a sealed list of all the British owned opium in their respective possession. And I, the said chief superintendent, do now, in the most full and unreserved manner, hold myself responsible for and on behalf of her Britannic majesty's government, to all and each of her majesty's subjects surrendering the British owned opium into my hands to be delivered over to the Chinese government."

This requisition was promptly answered by the delivery of twenty thousand two hundred and eighty-three chests, worth, at cost prices, ten or eleven millions of dollars.

On the fourth of May, most of the opium having been delivered, an edict was issued, by which all foreigners, with the exception of sixteen who had been the most deeply engaged in the interdicted traffic, were set at liberty, and the trade re-opened under certain restrictions.

This surrender of the drug was made by Captain Elliott for and in the name of the British government, as he himself expressly asserts. It was entirely voluntary, and even supposing that the Chinese had no right to demand it, we are at a loss to conceive upon what principle of international law the English crown could recover it back. It is true that her merchants were detained until it was given up, and had it been wrongfully wrested from them, Great Britain would be bound to require restitution. But it was sold and delivered to their own government, and then quietly and unresistingly surrendered to the Chinese authorities, without so much as the entry of a protest against the measure.

By this act, and the guarantee by which England, through her authorized agent, has agreed to pay for the drug, her unqualified acknowledgment to the whole world is recorded, that she as a nation has been guilty of a participation in the opium traffic, and has taken the settlement of the

entire question into her own hands. That the Chinese were perfectly right in demanding it, cannot be doubted, for by their own laws, supported by every known principle of international right, and common justice, it was forfeited the moment it entered their waters, and they would have been justified in seizing it, and in punishing those who imported it with the severest penalties attached to the offence.

And there can be no doubt but the detention of Captain Elliott was in strict accordance with the laws of nations, and that the circumstances more than justified it. He was the superintendent of British trade in China, and one of his highest and most sacred duties as an officer was to cause those under his control to respect and obey the laws of that nation. And how was this obligation on his part performed? He well knew that the introduction of opium was illegal, and that he was bound to prevent its importation by British merchants; and yet he suffered—nay, encouraged and openly sanctioned it, and by so doing made his own government responsible for its continuance, and compelled Great Britain, as an honorable and enlightened power, either to recall him, and disavow his acts, or to bear the consequences of the continued outrages committed against the acknowledged rights of an independent state.

His official character did not exempt him from amenability to Chinese laws. He was a commercial agent, with a commission to watch over the commercial rights and privileges of his nation, and was not such a public minister, as to be entitled to the privileges appertaining to that character, nor was he entitled to the special protection of the law of nations in any greater degree than a consul, whose powers, duties, and liabilities, his much resembled.

In all civil and criminal cases, he was subject to the laws of China, while within its jurisdiction, and could not, like an ambassador or other public diplomatic minister, claim an exemption from them on account of the commission with which he was invested?

The right, then, of the Chinese to detain him, even on *suspicion* of his encouraging or countenancing the opium trade, was perfectly clear; and when the ground upon which he was imprisoned amounted to a certainty that he was, by his official influence, aiding and promoting it through British merchants, by whom more than nine tenths of it was carried on, will it for one moment be contended that the high commissioner was not perfectly justified in the measures he adopted.

For the purpose of engaging in the trade as opened on the fourth of May, it became necessary to execute a bond, that any ships trading to Canton, after the autumn of 1839, which, upon examination, should be found to have opium on board, should, together with the cargo, be confiscated, and the parties left to suffer death by the laws of China. A readiness to comply with this requirement was immediately expressed by Mr. Snow, the consul for the United States, and Van Basel, the Dutch consul, and they advised the merchants of their respective countries to sign the bond, and renew the suspended trade.

But the solemn mockery of justice, and the gross violation of the national rights of China, of which Captain Elliott had been so long and criminally guilty, had not ended. He had regained his liberty by disgracing his nation throughout the enlightened world; and all apprehensions of personal violence, which had so recently tamed him into submission, were removed, and no sooner did he perceive a disposition on the part of

British merchants to give the required bond, than he promulgated a public notice, declaring that it was dangerous to confide to the Chinese government the administration of any judicial process concerning foreigners, and that the proposed investigation by the authorities of China, as to whether foreign vessels were engaged in the opium traffic or not, would lead to excessive risk of their committing acts of juridical spoliation and murder.

We believe this to be the boldest act of unwarranted insolence ever perpetrated by any public officer of a foreign state, against the dignity of a sovereign and independent power; and not only did it show a determination to insult the Chinese emperor and nation, but it betrayed the most abject ignorance of the foundation and principles of national jurisprudence, and the universal law of nations.

By what mode, we would ask Captain Elliott, was it to be ascertained that a ship had opium on board, unless the authorized officers of the Chinese government were permitted to conduct the investigation, and by what laws were the offenders to be punished unless by those of China? Were they to be sent to England, and there tried? With just the same show of propriety and justice could the government of this country demand, that any of our citizens taken in the act of smuggling goods into Great Britain, should be transported here for that purpose.

The offence is only against the laws of the nation in which it is committed; and a merchant of the United States or England, who has been engaged in Canton as a smuggler of opium for half his life, has been guilty of no infraction of the laws of his native land, or of international right.

Nor could the execution of the bond vary in the least degree the liability of the offenders to be punished if found guilty, or strengthen the right of the Chinese authorities to search the vessels of all foreigners within their waters for a discovery of the interdicted drug, and to visit upon transgressors the full penalty of the laws they had outraged. The maritime regulations of the emperor, were as broad and severe as the terms and import of the required bond; and the only object in demanding it must have been to prevent a recurrence of the old excuse, that "the foreign merchants were ignorant of the existence of any prohibitions against the opium traffic, and of the penalties to which those engaged in it were liable."

Subsequent notices by Captain Elliott soon followed, in which he expressed himself to be entirely without confidence in the justice or moderation of the Chinese government, declared that it had refused to fulfil the most solemn obligations, and used language so entirely devoid of courtesy, respect, or even decency, that should its like character be employed against our government by the British minister at Washington, his sovereign would be bound to recall him; and upon a continued neglect to do this, it would then become the imperative and sacred duty of our executive, for the preservation of national dignity, to order him to leave the country, for a breach of his privileges in insulting the power to which he had been sent as an ambassador.

On the 4th of June, a special proclamation was issued, by order of the high commissioner, stating that all the opium had been surrendered, and that foreign ships were at liberty to engage in honorable traffic; and strongly invited all of them to embrace the opportunity, and not be deterred

from it by the representations and advice of the British superintendent. But the latter had expressly enjoined the subjects of Great Britain against executing the preliminary bond, and had required all British shipping to anchor off Macao, and not to enter the port of Canton. The British merchants resident at the latter place, were recommended to leave under his directions; and on the 23d of June, with two or three exceptions, none but Americans resided in Canton; and since the opening of the trade, none but American ships had entered the port, and these, consisting of ten or eleven in number, had, according to the *Chinese Repository*, found no difficulty in carrying on their trade as formerly. All of the English merchants had gone to Macao, which is occupied and defended by the Portuguese; and after remaining there a short time, had embarked on board their vessels, with their property and valuables.

On the 31st of August, the imperial commissioner issued a proclamation, setting forth that Lin Weihe, one of the people of the empire, had been murdered by British sailors, and the refusal of Captain Elliott to deliver up the murderer; and commanded the Chinese local officers, civil and military, to cut off from the English all supplies of water and provisions from the coast.

In consequence of these measures, which the right of the Chinese government to create cannot be questioned, Captain H. Smith, commander of her majesty's armed ship *Volage*, on the 11th of September, issued an official public notice, that it was his intention, at the requisition of Captain Elliott, to establish a blockade of the river and port of Canton, and that notice of the blockade would be subsequently promulgated.

This, although its establishment would have been clearly illegal, so much so that the vessels of any nation would have been fully justified in disregarding it, was never actually declared. The responsibility was too great even for the chief superintendent to assume, who, we presume, searched in vain, as we have since done, to find any precedent to sustain a blockade, on the ground of a refusal by the blockaded party to furnish provisions to the subjects of a foreign power.

The American merchants having monopolized the entire trade to Canton, from which they were deriving enormous profits; it excited the jealousy of the English, who earnestly requested Captain Elliott to enter into some arrangement with the Chinese government, by which they could resume their commercial operations. To this he assented, and upon representing to the high commissioner that the strictest search should be made for the murderer of Lin Weihe, and that when found he should be immediately delivered up to the Chinese authorities for punishment, and declaring that until he could receive instructions from his sovereign, previous to which the space of four months must intervene, the required bond could not be given, an agreement for the resumption of trade was entered into, which was to the following effect:

“*Macao, October 20th, 1839.*”

“It has been agreed between their excellencies the high commissioner and governor on the one side, and the chief superintendent of the trade of British subjects on the other, that, under existing circumstances:

“1. The British trade may be carried on outside the *Bucca Tigris*, without any necessity of signing the bond of consent to Chinese legislation, (to be handed to Chinese officers,) upon the condition that the ships be subjected to examination.

"2. That the place of resort shall be the anchorage between Armughoy and Chumpee.

"3. It is fully understood, that the vessels, while discharging their cargoes outside the Bogue, shall pay the measurement charge in the same manner as if they went up to Whampoa. The pilots' charges shall also be paid as usual. The linguist shall be paid in like manner.

"4. The vessels proceeding to Armughoy will transport their cargoes by means of *chop* boats, and will undergo search by the officers."

This agreement was hardly signed, before it was impliedly cancelled by the entry of the Thomas Coutts, a British merchant ship, into the river, and her subsequent arrival at Whampoa, after having voluntarily signed the required bond, which Captain Elliott had informed the high commissioner could not be done until after the instructions of his sovereign had been received, and which statement had formed the basis of the agreement between them. Under these circumstances, the high commissioner believing, as he had every reason to, that he had been grossly deceived by the chief superintendent, and having ascertained that the latter had under his protection at Macao a large quantity of opium recently arrived, the delivery of which had been demanded and refused, and it being notorious that the interdicted traffic was carried on along the whole coast by British vessels, numbering at least twenty, and that the drug was selling from 1,000 to 1,600 dollars per chest, a special edict was issued on the twenty-sixth of October, demanding the murderer of Lin Weihe, and commanding all British vessels to give the required bond, as had been done by the Thomas Coutts, or to depart from the coast within three days, under pain of being punished in conformity with the laws of China.

Captain Elliott immediately issued a notice, requiring all English merchant ships at Macao to weigh anchor and proceed to Tungkoo Bay; and determining upon wreaking revenge upon the Chinese for his fancied injuries, he went on board the ship of war *Volage*, and with the armed ship *Hyacinth* in company, proceeded to Chumpee, under pretence of delivering a *chop* to the commissioner. Upon arriving there, the officer commanding the Chinese war junks was surprised and alarmed; and as the most strict prohibitions existed against suffering British vessels, and particularly armed ones, to enter or remain there, he ordered his fleet to approach, for the purpose of ascertaining their objects. Captain Elliott commanded them to keep off; and on their nearer approach, although without manifesting the slightest demonstration of an attack upon him, he ordered his ships to open their fire, which was done with such deadly effect, that in less than half an hour five out of twenty-seven junks were sunk, one was blown up, and about five hundred, or, as is stated in some reports, nearly nine hundred, of the Chinese were killed, or rather murdered.

The only injury sustained by the English, in consequence of the fire from the junks, by which the Chinese endeavored to defend themselves and effect a retreat, was, according to the *Bombay Courier* of December 24, only a twelve pound shot in the mizzen-mast of the *Hyacinth*, although some accounts state that a few were killed and wounded.

Here, then, we have the bloody consummation of Captain Elliott's official career. One act in this great national drama is concluded, but we fear it is not the last.

A wholesale murder of weak and almost unresisting Chinese, has been

perpetrated in their own waters, and within the exclusive jurisdiction of their maritime laws, by the armed ships of a foreign power, with whom peaceful relations had been maintained for a period of two hundred years. It was committed, too, under the most unjustifiable and aggravating circumstances, and at a place where British ships of war had no right to enter, and from whence the whole commerce of England had been lawfully shut out. And that Captain Elliott should have been the first to commence the fire, does not more strongly show his utter want of provocation to this deed of bloodshed, than that he was determined upon its perpetration. Before embarking upon his murderous project, the decree expelling him and the vessels of his nation from the waters of China, had been received, and he had taken the precaution to have all British merchantmen remove beyond the power of the Chinese war junks, and then, with an avenue for safe retreat widely thrown open, and with nothing to embarrass his flight, he proceeded to the deliberate perpetration of an act, which did not more deeply violate and outrage the dearest rights of China and her subjects, than the universal law of nations, and of heaven itself.

And yet, in the broad face of the facts we have enumerated, England dares to think of restitution, and threatens to compel it at the cannon's mouth. But what is the restitution she requires? and upon what ground is it demanded? The answer is plain. Her merchants are clamorous for payment of the opium delivered to Captain Elliott, and her government cannot honorably refuse to accept his official drafts in their favor, particularly after openly sanctioning the traffic; and determined not to lose what she is powerful enough to wrest from weak and oft-wronged China, the thunders of war are to be opened.

But this is not all. She is resolved not to relinquish the opium trade, and probably will not hesitate to enforce its continuance at the point of the sword. Its destruction would cut off three millions of pounds sterling from her revenue, which even now has been deficient more than three millions of pounds in meeting the expenditures for the last two years.

Already has a powerful armed fleet been despatched for the coast of China, consisting of three ships of the line, a number of frigates, besides several smaller vessels, with nearly fifteen thousand men on board; and should they openly commence hostilities against the Chinese, the rapid strides with which the power of Great Britain has advanced in India, furnishes the history of its termination in that empire; and the exclusive commercial privileges enjoyed by her subjects in Bombay and Calcutta, show how soon the ships of other nations would be shut out from the port of Canton.

The merchants of this country are seriously affected by the great question here presented, and the protecting mantle of national strength should be thrown around their interests in the eastern world. The government of the United States is bound by the most sacred obligations to the performance of this high duty, and cannot shrink from it, without the sacrifice of individual wealth and the forfeiture of national honor; and should Great Britain invade the Chinese empire, blockade its ports, and expel from its waters the commerce of other lands, the whole enlightened and christian world ought solemnly to protest against it, as an unwarranted act of arbitrary power, committed in violation of the broad principles of eternal justice.

ART. VI.—MERCANTILE BIOGRAPHY.

IN presenting to our readers the present paper, embracing biographical notices of merchants who have been eminently distinguished for the energy manifested in the pursuit of their various vocations—from the most humble beginnings to the proudest results of human industry—for their public and private virtues, and the influence which they have exerted on the domestic, moral, political, and intellectual condition of mankind, we would offer a few prefatory remarks.

It has been said, and with truth, that neither the past or present age has presented a single life from which, if a faithful narrative were written, some valuable information might not be drawn. If such an assertion be tenable, when applied to the recorded actions in the great mass of society, charged with its follies and crimes, how much more forcibly must it apply to the biography, which *selects* and holds up as mirrors to the world those only whose wisdom and virtue are calculated to make a lasting and beneficial impression; which, while it consecrates the ashes of the dead, rescues from the destructive influence of time all that is worthy of remembrance—presents us with the living characteristics of the man as he stood before a scrutinizing earthly tribunal—enables us to follow him from the dawn of intellect to the termination of an active, well-spent life—to see him triumphing over every obstacle which poverty or misfortune presented to his indomitable mental and physical energies—and finally, to appropriate to ourselves the results of an experience thus presented. In reference to *American* merchants, we intend that the “biographical notices” shall furnish a supplement to the future history of our country, in which those finer shades of character, most interesting to the community, which are lost in the wide survey and generalizing spirit of the historian, shall be faithfully and accurately delineated.

As the second commercial country on the globe—with ships navigating every sea and bartering with every nation—our merchants necessarily fill an important station in the world’s eye; on their honor, integrity, and energy, depend our national character abroad, and our internal condition at home. A fertile and extensive territory may form the *basis* of our wealth; but commerce is to its productions what machinery is to the raw material—it fashions, shapes, and sends forth.

It is an historical fact, that Napoleon, when his imperial flag waved over thirty millions of people, derisively designated England as the “nation of shopkeepers.” Time, however, with its train of events, taught him to see, in his sad reverses of fortune, when stript of his glories—exiled to a solitary rock in the Atlantic—deserted by his followers—a monument of fallen grandeur and defeated ambition—that to the pecuniary sacrifices and the devoted patriotism of the “shopkeepers” he was indebted for that unyielding opposition to his sway by which Britain was distinguished, when, by his celebrated decrees and embargoes he had closed the ports of Europe against her shipping; when monarchs were his puppets, thrones his footstools, and subjugated nations the outposts of his military camp. If such were the national consequences attendant on the mercantile character and resources of England, what importance must ultimately attach to them in a country like our own, the shores of which embrace two oceans—the commerce of

which already competes with its great rival, in every quarter of the globe—whose extensive lakes are whitened with the sails of inland navigation, and whose rail-roads form a chain of internal communication which unites the most distant sections of an active population—levelling mountains, extending over rivers, and setting distance and time at defiance?

Taking leave of the influence which the mercantile character exerts upon our external relations, we will now briefly advert to its effect on our physical, moral, and intellectual conditions.

To our merchants we are chiefly indebted for the temples of religion, the halls of benevolence, the marts of commerce, and the noble literary institutions which adorn and distinguish our cities. Among the latter institutions, we might place the "Athenæum" at Boston, the "Institution for the Blind," the "United States Bank" and "Girard College" in Philadelphia, the "Exchange" at Baltimore, the "Astor House," and last, though not least, the "Mercantile Library," the proud boast of our city. Never has a nobler monument been erected to departed worth, than this *twenty-thousand* volumed association, with her lectures and her great moral influences, offers to the memory of her mercantile founders, whose names are engraven in indelible characters on her portals, and are consecrated in her prosperity.

New York may safely challenge the world to produce an institution of a similar character, so important in its consequences to a rising and energetic community.

In the midst of the fluctuations of commerce, and the energies necessarily devoted to its steady advancement, it will be seen, that the merchant has not been undistinguished among the moral and religious benefactors of mankind, or unmindful of the injunction left by the mild Founder of Christianity to his followers—"Go ye forth unto all nations, and preach unto them the gospel of truth." We owe to the benevolence of our mercantile community a great portion of the means raised to support missionaries among the aborigines, while some of its members, unaided, have sent forth the bearers of the gospel mission to the most distant nations of the earth.

The mental and physical endurance which has distinguished the mercantile character, particularly in our own country, is not one of its least extraordinary features; many of its possessors, who now rest from their labors, rose from extreme obscurity—saw their hopes and expectations blasted again and again—yet rising with renewed vigor from every stroke of fortune, eventually succeeded in acquiring an affluent independence;—the just reward of their unabated perseverance.

Nor should the untarnished honor and integrity of the merchant, unhappily exemplified in the ruinous commercial change to which he has been subjected for several past years, pass unnoticed; many, it is too painfully true, have been compelled to sink in the struggle, but, like the wife of Cæsar, have preserved a purity of character, untainted even by suspicion.

In devoting a portion of the Magazine to Mercantile Biography, we are influenced by a desire to exhibit the strong points of character which have distinguished the patriarchs of commerce, as furnishing examples to the young merchant of the present and future times, and as a stimulus to the attainment of the enviable distinction which they have acquired.

The sources from which the following notices have been selected are various, and, generally, more contracted than we could have desired. In the future numbers we shall enter more into detail, as examples are furnished, which we respectfully solicit from those who may have it in their power to aid us in this department. The first name which we present to our readers, at this time, is that of

GEORGE CABOT,

a distinguished merchant and statesman, born in Salem, Massachusetts, in 1752. He was educated as a merchant, and for several years visited foreign countries as a factor for his father, who was an enterprising and opulent ship owner. He was considered a young man of talent, and soon after commencing business, he was elected a member of the Massachusetts Provincial Congress—of which General Warren was president. The good people of Massachusetts, wishing to alleviate the distresses of the times, proceeded to consider the propriety of fixing a maximum price upon foreign goods. This he opposed with such strength of reasoning, as to prevent any restriction upon commerce.

During the war, he was an active merchant—he, with his brother, having at one period of the contest, twenty privateers of a large class, carrying from sixteen to twenty guns each. These vessels were very successful for four or five years; but the British, towards the close of the war, having lost more than one thousand seven hundred merchantmen, grew wiser, and fitted out a large number of frigates and gun brigs, that were superior in force to most of our privateers, and a great portion of them were taken. The Cabots were severe sufferers, losing nearly all their armed ships before the war closed.

When peace was restored to the country, Mr. Cabot was active in bringing the people to see the necessity of forming a sound and permanent general government. With others, he used the public press to enlighten the country upon the great doctrines of civil and political liberty.

He was active in establishing a state constitution for Massachusetts, and afterwards, in 1788, was a member of the convention for adopting a constitution for the United States. Soon after the constitution went into operation, he was chosen by the legislature of Massachusetts as a senator in congress. In 1798 he was appointed, by John Adams, Secretary of the Navy, but he declined the appointment; yet he took an active part in assisting the government to build and equip a navy. Liberal loans were subscribed by the merchants in every part of the country, and Mr. Cabot was among the foremost. The government, fired at the insults and indignities offered our commerce by France, were so active in building ships of war, that a few months were sufficient to take the timber from the forests to construct a sloop of war, and in a few more days to get her ready for sea.

A respectable force was soon on the ocean, and earned laurels wherever they met the enemy.

During these dark hours of our history, when Hamilton and Ames were full of apprehension for our destinies, Mr. Cabot was laboring with them in opening the eyes of the people, blinded by party feuds. It is said that Ames, always flowing, and sometimes too redundant, consulted Mr. Cabot in regard to his publications, and frequently submitted to his judgment when they differed in opinion.

For many years of the latter part of his life, Mr. Cabot resided in Boston, where he was held in the highest estimation. If there was a matter of mercantile usage to be settled, he was consulted ;—if there was a misunderstanding between merchants, he was made arbitrator ; aye, even if there was an affair of honor to be settled, his opinion was law. In 1815, he was elected from Suffolk county as a member of the Hartford Convention, and was made president of that body. Where he was, every one was satisfied that all would be done with decency and correctness, both in manner and principle. He was brave, and discreet as brave. His ambitious days, if ever he had any, were over, and prudence and judgment were, at the time of the Hartford Convention, his great characteristics. The person of Mr. Cabot was of the finest cast. He was tall and well proportioned. His head was a model for the sculptor. There was a classical expression of the countenance, that made him the object of observation to every stranger. His movements were dignified, and his voice sonorous and commanding. Looking at him, you would say, there is a gentleman ; and no one would question the assertion. He was as amiable as excellent ; there was no asperity in his nature. He took a broad and noble view of every subject, and uttered his opinions with fearlessness, but with modesty—and his decisions were as oracles. Mr. Cabot died in April, 1823, in the seventy-second year of his age ; and enjoyed through that long period, all that philosophy, philanthropy, and religion, could give to life. The civic wreath of such a man should be green forever.

WILLIAM GRAY,

one of the most successful of American merchants, was born in Lynn, in the county of Essex, and commonwealth of Massachusetts, in the year 1751. He came, when quite a boy, to Salem, and was an apprentice, first to Samuel Gardner, Esquire, an active merchant, but left him and finished his apprenticeship with Mr. R. Derby, also a business man of that place. Young Gray was an enterprising and indefatigable apprentice, and had acquired the confidence of the principal merchants in Salem when he commenced business for himself, which in that careful and industrious town, was a fine capital to begin upon. Mr. Gray was early prosperous in his affairs, and in less than twenty-five years after he had commenced business, was considered and taxed as the wealthiest man in the place, where there were several of the largest fortunes that could be found in the United States. He was all activity, and at times had more than sixty sail of square rigged vessels. It was a fact that no moderate breeze could blow amiss for him, for every wind of heaven carried for him some vessel to port. For more than fifty years of his life he rose at the dawn of day, and was shaved and dressed before the common hour for others to rise. Being dressed, his letters and papers were spread before him, and every part of his correspondence brought up. He was, at the same moment that he put millions on the adventurous tracks for gain, with the boldest character, careful of all the small concerns of expenditures. This he considered as belonging to the duty of business. He had married, in early life, Miss Chapman, of Marblehead, the daughter of a distinguished lawyer. They had five sons and one daughter. Mrs. Gray was a woman of great powers of mind, well cultivated, and for many years was among the first in the social circle.

During the embargo, Mr. Gray took side with Mr. Jefferson, notwithstanding his interest suffered greatly. His ships were rotting at the wharf. This course brought against him his old friends, and raised up a numerous host of new ones. He now removed to Boston, and was elected Lieutenant Governor of the state. He had several times been elected to the state senate, but politics were not his strong hold, and he sunk the great merchant in the common-place politician. His immense wealth was used for the wants of the government, with the liberality and confidence of one who believed that a government should not be poor when individuals were rich. It is doubtful whether any capitalist in the United States did so much for the exigencies of government as Mr. Gray. And while others were speculating on the depreciation of securities, no one will hesitate to say that his exertions were dictated by patriotism, with only the hopes of an honest remuneration. After the close of the war, he launched again into commerce, but not with his former success. Times had changed, but he had not changed with them, and what was a safe calculation once, was not so now; but still there can be no doubt but that he died a rich man, although no public inventory was ever taken of his estate, as his heirs gave bonds to pay debts and legacies—all the law of that state requires. Mrs. Gray died about two years before her husband, and his eldest son since his death. Mr. Gray was happy in his family, and was always a domestic man. He was worn out with the fatigues of business at the age of seventy-four, and departed this life November fourth, 1825.

PHILIP LIVINGSTON,

descended from a respectable Scotch family, and was born at Albany, January fifteenth, 1716. He was educated at Yale College, and graduated with the class of 1737. He became a merchant in New York after leaving his Alma Mater; and as there were but few well-educated merchants in Wall-street at that time, he was soon quite at their head, and of course had offices at his command. In 1754 he was an alderman of the city of New York, and after serving in this capacity for four years, was sent to Albany, as a representative of the city. In this body he soon became a leader, and directed its attention to the great interests of commerce; New York being then behind Boston and Philadelphia in her exports and imports. He was one of the committee of correspondence with the agent for the colony in England, the celebrated Edmund Burke; and his letters abound in information and critical remarks. Mr. Livingston was in congress in 1776, and affixed his name to the declaration of independence, for which he was a strenuous advocate. He was a member of the senate of New York, on the adoption of the state constitution; after which, under the provisions of that constitution, he was elected a member of congress; but he was not long permitted to devote himself to the service of his country, for on the twelfth of June, 1778, he died, with *angina pectoris*, or the dropsy of the chest, often twin messengers of death. He was a warm and fearless patriot in severe times, when thick clouds enveloped our political horizon.

FRANCIS LEWIS,

one of the New York delegation in congress when the declaration of independence was made, was born in Wales, in 1723. He was partly educated in Scotland, and then sent to Westminster, where he became a

good classical scholar. In London he became an apprentice to a merchant, with whom he continued until he was of age. He then left England for America with handsome prospects, and set up business in New York. He was agent for the British colonies in 1756, and was taken prisoner and carried to France, from which country, on his exchange, he returned to New York. He was a lover of liberty, and stood foremost amongst the sons of freedom. In 1775, he was sent a delegate from the provincial congress of New York to the continental congress, and was there when the declaration of independence was made. He continued in that body for several years afterwards, and rendered great service as a commercial man. He suffered much for his patriotism, the British having destroyed his property on Long Island. He had, however, the satisfaction of seeing the country prosperous, though he was not. He died on the thirtieth of December, 1813, in the ninetyeth year of his age.

ROBERT MORRIS

was a native of England, but came to this country when quite young, and was educated in Philadelphia. After finishing his education, he entered a counting-house, and in a few years became conspicuous as a thorough merchant. When the revolution broke out, Mr. Morris sided with the colonists, and was distinguished as a patriot. He was elected a delegate to the second continental congress, and was in that body in 1776, when the declaration of independence was signed. During the whole war, he was considered the ablest financier in the country, and Washington had recourse to him, when he could not procure any thing from congress. In 1781, Mr. Morris was appointed superintendent of finances, and was, perhaps, the only man in the country fit for the office. He had a most arduous task to perform; it was indeed gigantic, for it involved all the duties of every department of the government, so far as money was concerned. Washington had the highest confidence in him, and Franklin thought him a most wonderful man. He surprised all by his power of raising money for public exigencies, when our credit was under the worst circumstances. He provided Washington with money to carry on his southern campaign against Cornwallis, the defeat of whose army ended the war. He died on the eighth of May, 1806, in the seventy-third year of his age. It may be said of him that he was a great public benefactor.

BENJAMIN PICKMAN

was born in Salem in 1740. He was the son of a distinguished merchant in that town, and was graduated at Harvard College, in 1759.

He entered his father's counting-room after leaving college, and soon took a high stand in society.

When the revolutionary war broke out, he was lieutenant colonel of the Salem regiment, but he had not made up his mind that the time had arrived for a separation of the two countries. He was a friend to his own, but could not come to the doctrine of a sudden dismemberment. He went to England under a furlough from the legislature, and there did much good in assisting the unfortunate who were taken prisoners in the first years of the struggle. His wife and family remained in this country until the war closed, and of course his estates were not confiscated. In 1784 he returned to his native land, and was greeted with kindness by his old friends. He now commenced business again as a merchant, but in the

British spoiliations lost no small part of his property. The treaty made by Jay returned him his property, and the fair interest on the same. He now relinquished all business, took his money and invested it in American stocks, and lived on its income,—most ample means for his purpose. His table was one of the best in the country. He was classical, delicate in his feelings, and unshaken in his opinions, and every one was satisfied with his hospitable board. His conversation was generally directed to ancient history, or that of our country. He was at home in either, but made no parade of his learning. He was a man of no ordinary talents, and of more than ordinary taste in classical literature. As an antiquary he was second to none; he garnered up all that was curious or strange in his neighborhood, and was ready to give it to the public provided his name could be kept out of sight.

He now placed the enjoyments of life in ease, and never swerved from his principles. He was blessed with an excellent wife and a delightful family. They were around him and administered to his comforts. He had three sons and two daughters, and all were devoted to his happiness. He rejoiced in the success of all he knew: his heart was full of philanthropy.

His person was noble, his height over six feet, his countenance quiet, calm, but manly, and hardly bore the ordinary marks of age. In the 81st year of his age he sunk to sleep, without having suffered many of those pains and aches which mortal man is liable to, in this scene of struggle and anguish.

There were but few men in this world of so good a disposition, fewer still of so much intelligence or refinement, and none of greater purity of character.

ART. VII.—LAWS RELATIVE TO DEBTOR AND CREDITOR.

NUMBER TWO.

MISSOURI.

THE following brief abstract of the laws of Missouri, relative to the means of enforcing debts against the citizens of that state, prepared by Messrs. Primm & Drake, attorneys at law, at St. Louis, Missouri, has been politely furnished for publication in our Magazine, by Joseph C. Hart, Esq. of New York. We also subjoin a complete and accurate statement of the times of holding courts in Missouri.

The points to which we shall advert, relate:

FIRST—To suits on bonds, bills, and notes.

SECOND—To suits by *capias*.

THIRD—To suits by attachment.

FOURTH—To proving indorsements and partnerships.

I. *Suits on bonds, bills, and notes.*

These, by a recent law, are made triable at the term of court to which the suit is brought, if the defendant shall have been *personally* served with pro-

cess, twenty days before the commencement of the term. This change will enable a creditor to obtain his money; before, under the former law, he could have had a judgment.

II. Suits by *capias*.

A *capias* may be obtained against a debtor upon the plaintiff, or some person for him, making an affidavit,* stating that the plaintiff has a subsisting and unsatisfied cause of action against the defendant, on what account the same accrued, *and that the defendant is about to remove out of this state—or that the defendant is not a resident of this state—or that the plaintiff is or will be in danger of losing his demand unless a capias be allowed, and the defendant held to bail.*

If the plaintiff's demand be liquidated, the amount due must be specified in the affidavit; and when the affidavit shall state that the plaintiff is or will be in danger, &c., *the facts and circumstances*, from which such danger is inferred, must be stated in the affidavit.

III. Suits by attachment.

An attachment may be obtained, upon filing a bond, as subsequently stated, and an affidavit, setting forth that the defendant is justly indebted to the plaintiff, after allowing all just credits and set-offs, in a specified sum, and on what account, and that the affiant has good reason to believe, and does believe, either

- 1st, That the debtor is not a resident of, nor residing in the state of Missouri; or,
- 2d, That he conceals himself, or absents himself, or has absconded from his usual place of abode, in the state of Missouri, so that the ordinary process of law cannot be served upon him; or,
- 3d, That he is about to remove his property or effects out of this state, so as to defraud, hinder, or delay his creditors; or,
- 4th, That he has fraudulently conveyed, assigned, removed, concealed, or disposed of; or is about to convey, assign, or dispose of, any of his property or effects, so as to defraud, hinder, or delay his creditors; or,
- 5th, Where the debt was contracted out of this state, and he has absconded, or secretly removed his property or effects to this state, with intent to defraud, defeat, hinder, or delay his creditors.

In addition to the affidavit, a bond, in the following form, must be filed at the commencement of the suit:

"Know all men by these presents, that we, ———, as principal, and ———, as security, are bound to the state of Missouri, in the sum of ——— dollars, for the payment of which we bind ourselves and our legal representatives by these presents. Sealed with our seals, and dated this ——— day of ——— 18—.

"The condition of this obligation is such, that whereas ———, as plaintiff, is about to institute a suit by attachment, in the ——— Circuit Court, against ——— as defendant, returnable to the ——— Term, 18—, of said court, for the sum of ——— dollars; now if the said plaintiff shall prosecute his action without delay and with effect, and shall pay all damages which may accrue to the defendant or any garnishee by reason of

* Any affidavit, taken to be used in this state, should be sworn to before a judge of a court of record, and the clerk of such court should certify, under the seal thereof, the official character of the judge.

said attachment, or any process or proceeding in said suit, then this obligation to be void, otherwise to remain in force."

This bond must be signed by one or more securities, *resident householders in the county in which the suit is to be brought*, and must be for a sum at least double the amount of the demand sworn to.

IV. *Of proving endorsements and partnerships.*

In a suit by endorsee of a note, bond, or bill of exchange, the handwriting of the endorser must be proven. This may be done by an affidavit of some person acquainted with it, attached to the instrument sued upon, and filed in the suit twenty days before the day of trial. It would, therefore, be advisable, in all cases where such proof may be necessary, to send the affidavit with the claim.

A partnership may be proven, also, by an affidavit filed in the case twenty days before the day of trial, setting forth the names and respective places of residence of all the partners, the name or firm of the partnership, the general nature of the business, and where transacted, the time of the commencement of the partnership, that it still exists, if such be the fact, and if not, when the firm was dissolved. An affidavit of this kind should, therefore, always accompany a claim upon which suit is to be brought by a firm.

THE CIRCUIT COURTS

Throughout the state are held in the different counties, as follows :

Audrain,	1st Mondays in March, July, and November.
Barry,	1st Thursdays after 3d Mondays in March, July, and November.
Benton,	3d Mondays after 4th Monday in March, July, and November.
Boone,	1st Mondays in April, August, and November.
Buchanan,	3d Mondays in March, July, and November.
Caldwell,	2d Mondays in March, July, and November.
Callaway,	4th Mondays in March, July, and November.
Cape Girardeau,	3d Mondays in February, June, and October.
Carroll,	1st Mondays in April, August, and December.
Chariton,	1st Mondays in January, May, and September.
Clarke,	2d Thursdays after fourth Mondays in March, July, and November.
Clay,	3d Mondays in April and August, and 1st Monday in December.
Clinton,	1st Thursdays after 2d Mondays in March, July, and November.
Cole,	1st Mondays in March, July, and November.
Cooper,	2d Mondays in March, July, and November.
Crawford,	1st Mondays in March, July, and November.
Davies,	2d Mondays in April, August, and December.
Franklin,	3d Mondays in February, June, and October.
Gasconade,	2d Mondays after 4th Mondays in March, July, and November.
Green,	1st Mondays after 4th Mondays in March, July, and November.
Howard,	4th Mondays in April, August, and December.

Jackson,	2d Mondays in April, August, and October.
Jefferson,	2d Mondays after 4th Mondays in March, July, and November.
Johnson,	1st Thursdays after 3d Mondays in March, July, and November.
La Fayette,	1st Mondays in April, August, and October.
Lewis,	1st Thursdays after 4th Mondays in March, July, and November.
Lincoln,	1st Mondays after 4th Mondays in April, August, and November.
Linn,	4th Mondays in April, August, and December.
Livingston,	3d Mondays in April, August, and December.
Macon,	1st Thursdays after 4th Mondays in April, August, and December.
Madison,	4th Mondays in January, May, and September.
Marion,	1st Mondays in January, May, and September.
Miller,	1st Mondays after 4th Mondays in March, July, and November.
Monroe,	2d Mondays in March, July, and November.
Montgomery,	3d Mondays in April, August, and November.
Morgan,	4th Mondays in March, July, and November.
Newton,	4th Mondays in March, July, and November.
New Madrid,	2d Mondays in March, July, and November.
Perry,	4th Mondays in March, July, and November.
Pettis,	1st Thursdays after 4th Mondays in March, July, and November.
Pike,	2d Mondays in March, July, and October.
Platte,	4th Mondays in March, July, and November.
Polk,	2d Mondays after 4th Mondays in March, July, and November.
Pulaski,	2d Mondays in March, July, and November.
Ralls,	1st Mondays in March, July, and October.
Randolph,	3d Mondays in January, May, and September.
Ray,	4th Mondays in April and August, and 2d Monday in December.
Ripley,	1st Mondays in February, June, and October.
Rives,	4th Mondays in March, July, and November.
St. Francois,	3d Mondays in March, July, and November.
Ste. Genevieve,	1st Mondays after 4th Mondays in March, July, and November.
St. Charles,	2d Mondays after 4th Mondays in April, August, and November.
St. Louis,	3d Mondays in March, July, and November.
Saline,	3d Mondays in March, July, and November.
Scott,	1st Mondays in March, July, and November.
Shelby,	4th Mondays in March, July, and November.
Stoddard,	2d Mondays in February, June, and October.
Taney,	3d Mondays in March, July, and November.
Van Buren,	3d Mondays in March, July, and November.
Warren,	4th Mondays in April, August, and November.
Washington,	2d Mondays in March, July, and November.
Wayne,	1st Thursdays after 1st Mondays in February, June, and October.

ART. VIII.—MERCANTILE LAW REPORTS.

FIRE INSURANCE—EXTENT OF THE POWERS OF INSURANCE AGENTS TO BIND THEIR PRINCIPALS.—IMPORTANT DECISION ON A FIRE POLICY.—INSURANCE—GENERAL AVERAGE—TECHNICAL TOTAL LOSS—PARTIAL LOSS—ABANDONMENT—SALE OF VESSEL BY THE MASTER—VALUATION—MARINE INTEREST.

FIRE INSURANCE—EXTENT OF THE POWERS OF INSURANCE AGENTS TO BIND THEIR PRINCIPALS.

THE following interesting case in the Supreme Court of New York, of fire insurance, involves the question of the extent of the powers of agents to bind their principals, and as a large proportion of the insurances in the country are effected through agents, we publish a full report of Judge Bronson's opinion.

Samuel Lightbody v. North American Fire Insurance Company.

This was an action brought to recover two thousand dollars on a policy of insurance, issued by the agent of the North American Insurance Company, residing in the city of Troy. The facts, as offered in evidence, were these: The plaintiff resides in the city of Utica, and was the owner of a block of wooden buildings, which he wished to get insured, and sent a survey of the property to a friend, residing in the city of Troy, requesting him to get it insured in some responsible company in Troy or Albany, authorizing him to pay one half per cent. premium. The person to whom the survey was sent called on H. Z. Hayner, Esq., agent of the North American Insurance Fire Company, and inquired if he was authorized to take risks in the city of Utica; being answered in the affirmative, he presented him the survey, and asked at what rate he would insure that property. Mr. Hayner requested that he would leave the survey with him for a few days, that he might examine it before agreeing upon the premium. In about a week's time he called again, and they agreed upon the premium, at one-half per cent., which was paid at the time, and a receipt taken for the same.

That same night, March 30th, 1837, those buildings, with many others, were destroyed by fire. Subsequently to this, the agent gave the insured a policy of insurance, according to agreement, signed by the president and secretary of the company, and containing the incorporate seal.

There were two points of defence set up by the defendant's counsel; one was, that the policy was of no validity, having been delivered after the buildings had been destroyed; therefore it could not obligate the company to pay for what did not exist when it came into the possession of the plaintiff.

The other point of defence set up was, that their agent was restricted by the company to insure only in Troy and its vicinity; and, therefore, by insuring in Utica he had transcended his authority, and consequently could not bind the company by his acts. In answer to which, it was urged by the plaintiff's counsel, that the delivery of the policy after the fire was no new contract, but that it was in accordance with the general custom to take a receipt on effecting an insurance, and afterwards receive the policy of the company.

In answer to the other objection, it was contended, that the plaintiff was not bound to inquire what instructions the agent might have received from the company to regulate his conduct ; that it was enough for his purpose to know that he was their authorized and accredited agent, for the general purposes of insurance, and that if he transcended his instructions he was amenable to the company ; and that an individual, who had not the means of knowing what those instructions were, ought not to suffer on this account.

The Court ruled, that the objections could not be sustained, and directed the jury to find for the plaintiff the full amount claimed.

Exceptions were taken by the defendants' counsel, and the case having been carried to the Supreme Court, the following is the opinion of the Bench, decided at the late term in Albany.

By the Court, Bronson, Judge. Without intending to intimate any opinion on a question which may be made between the principals and their agent, I shall presume, for all the purposes of this case, that the agent departed from his instructions in taking a risk at Utica. This hypothesis will not aid the defendants. Hayner was a general agent for effecting insurance on behalf of the company, and acted within the general scope of his authority in taking this risk. Although he must answer to his principals for departing from their private instructions, he clearly bound them, so far as third persons, dealing with him in good faith, are concerned. The question is not so much what authority the agent had in point of fact, as it is what powers third persons had a right to suppose he possessed, judging from his acts and the acts of his principals. *Perkins v. Washington Insurance Company*, (4 Cowen, 645.) This rule is necessary to prevent fraud, and encourage confidence in dealing, (2 Kent, 620.) It is difficult to conceive how the defendants could have conferred a more unlimited authority upon the agent, so far as third persons are concerned, than they did by furnishing him with policies already executed by the officers of the company, and ready to be delivered to any one who might wish to contract, after his name, the subject insured, extent of the risk, and date of the transaction, had been inserted in the contract. The plaintiff had a right to believe that the defendants reposed unlimited confidence in Hayner in relation to the subject of his agency ; and it would be a monstrous doctrine, to hold that they may now discharge themselves by setting up their private instructions, which were wholly unknown to the plaintiff when he entered into the contract. The rule is different in relation to a *special* agent : he cannot bind his principals beyond the precise limit of his authority. But Hayner was a *general* agent, acting within the scope of his powers ; and if he was wrong in taking this risk, that is a question to be settled between him and his principals.

The objection that this was a special risk, and that Hayner had no authority to take special risks without consulting the company, depends on the same principle as the objection already noticed, and requires no separate consideration. There is no ground for imputing bad faith to the plaintiff, or to his agent, Knowlson, who negotiated the contract with Hayner. So far as appears, the plaintiff did not know that the defendants had an agent in Utica ; and if he had known that fact, he did not instruct his agent at Troy to insure with the defendants ; Knowlson called on Hayner, because he saw from the sign on his door, that he was an

agent for making insurance. He asked Hayner if he had authority to take risks in Utica, and the agent answered, he thought he had. There was nothing in this calculated to excite a doubt concerning the extent of the agent's powers; and besides, the counsel did not suggest on the trial, as they did on the argument, that there was enough to put Knowlson on inquiry; it is too late now to raise that question, if there was ever any ground for making it.

The offer to prove that risks in plaintiff's block were very hazardous, was of no manner of consequence, so long as there was no pretence that plaintiff had either misrepresented the true character of the risks, or omitted any thing which should have been stated in the survey on which the defendants acted, nor was it a matter of any moment that the defendants' agent at Utica had refused to take risks in that block, and would have refused this risk had it been offered to them; that fact could prove nothing against the plaintiff; and had the plaintiff known that R. & S., the agents at Utica, had refused to insure other buildings in the same block, which is more than the defendants offered to prove, that would not alter the case. Because other persons could not obtain insurance, it did not follow that the plaintiff could not; and if the plaintiff himself had been refused by one agent or company, it did not preclude him from applying to another. If he was chargeable with no concealment or misrepresentation affecting the contract which was made, it cannot be avoided on the ground that one, or even a dozen, other persons have refused to make a similar contract with him.

The defendants did not avow on the trial that they intended to impute fraud to the plaintiff, but if they had done so, the several offers of evidence did not go far enough to raise such a question.

If the policy was well delivered, it took effect by relation from the day of its date, which was the day on which the premium was paid and the contract concluded. (*Jackson v. Ramsay*, 3 Cowen, 75, and cases cited.) It was the manifest intent of the parties, that the contract should separate from the day of its date, so as to give the plaintiff the same legal remedy which he would have had if the policy had in fact been delivered on that day, and the law will give effect to that intention.

This doctrine was not directly denied on the argument, but it was said that the policy was not duly delivered on the twenty-first of April, for the double reason that the power of the agent was then at an end, and the plaintiff had notice that the defendants refused to ratify or be bound by his act in making the contract. Although the defendants told the plaintiff on the twenty-first of April that the authority of Hayner had been revoked, the letter of revocation was not even written until the next day, and it was not received by Hayner until the twenty-third of April; so far as the agent was concerned, he not only pursued his authority in delivering the policy, but he acted in perfect good faith towards his principals, for he had no notice that they intended to put an end to his agency. The delivery was well made, and bound the defendants, unless there was something in the circumstances of the case which should have precluded the plaintiff from receiving the policy when it was offered to him.

How does the question stand in relation to the plaintiff? He had, as we have already seen, made a valid contract with the defendants, and was entitled to the usual evidence of that contract, a policy of insurance.

He could, I think, have maintained an action on the case against the defendants, for a refusal to deliver the policy, in which he would have recovered damages to the full amount of his loss. But if his remedy at law be questionable, he had a perfect equitable right to the delivery of the usual policy, which he might have enforced in the proper forum. (*Perkins v. Washington Insurance Company*, 4 Cowen, 645.) Having this equitable right to the policy, he was clearly at liberty to receive it, when voluntarily tendered to him by one who had authority to tender it. It would be a refinement in law, if not in ethics, to hold a man precluded from accepting that which was rightfully his due, because he happened to know that the debtor did not intend to discharge his obligations.

The plaintiff was not told that the authority of Hayner had been, or would be, revoked, until his second call at the defendants' office on the twenty-first of April, and for aught that appears, the policy had then been delivered. But suppose the delivery was after the second call; the plaintiff was not chargeable with notice that the powers of the agent had been revoked, for such was not the fact. The defendants can claim nothing on the ground of having given information that was untrue.

The only notice then, which could properly be imputed to the plaintiff, was notice that the defendants intended to revoke the powers of the agent. Immediately afterwards, if it did not happen before, Hayner met the plaintiff, in pursuance of the appointment previously made at Troy, and delivered the policy. There was no false suggestions or deceit on the part of the plaintiff; he neither said nor did any thing to induce the delivery. The matter then comes to this: the plaintiff accepted that which was voluntarily tendered, and was his rightful due, with the knowledge that his debtor did not intend he should have it. That cannot be a good impeachment of his title.

Although the plaintiff could not sue on the receipt for premium, that paper was properly received in evidence as a part of the transaction. The objection to reading the policy in evidence, is disposed of in what has already been said; and so also with the objection that the preliminary proofs showed a loss accruing previous to the execution and delivery of the policy.

There are, I believe, no other exceptions which were not abandoned on the argument.

New trial denied.

IMPORTANT DECISION ON A FIRE POLICY.

THE new Vice Chancellor, Murray Hoffman, Esq., has lately made a decision in the case of *Charles McEvers and others, v. the Receivers of the Merchants' Fire Insurance Company*, which shows how careful parties sustaining loss by fire should be in performing the conditions of their policy.

The premises, in the present case, were destroyed by the great fire in 1835. They were then worth the full amount of a policy which had been effected with a certain insurance company.

Receivers stood ready to pay a dividend of 68 per cent. on the policy, if so decreed. There were, also, other funds for a final dividend, which had not yet been declared.

The pleadings contained certain averments as to the omission to give

notice of the loss; and some proof was taken upon that subject, all of which are particularly stated in the following opinion of the Court.

The Assistant Vice Chancellor.—"Various objections have been made, on the part of the receivers, to the relief prayed by the bill; I have formed so decided an opinion upon the question of the omission to give proper notice of the claim, that I shall not enter into the examination of topics, no conclusion upon which could vary the decree" I must make.

The policy contains the following: "persons sustaining loss or damage by fire shall forthwith give notice thereof in writing to the Company, and, as soon as possible, they shall deliver as particular an account of their loss and damage as the case will admit, signed with their own hands, and they shall accompany the same with their oath or affirmation, declaring the said account to be true and just; the whole cash value of the subject insured; and various other particulars prescribed. A certificate under the hand and seal of a magistrate, is also to be produced, stating his examination of the circumstances attending the fire, etc., and until such proof, declarations, and certificates are produced, the loss shall not be payable."

The pleadings in these cases have distinctly raised the point, whether notice was given or not. The issue was raised by the allegation of the original bill, that it was duly given shortly after the fire; and by the denial, on the information and belief in the answer and the averment, that no such notice was given until after the appointment of receivers, in May, 1836, more than four months subsequent to the fire. The secretary of the company has been examined, and disproves the allegation so far as his information extends. The president or other officers, who might have received it, as suggested at the bar, have not been examined. It is out of the question to presume notice under such circumstances.

It is, however, said, that the receivers have, by their conduct, impliedly admitted that proper notice was given. This depends mainly upon their letter, addressed to the complainants on the 20th of July, 1836. In that they urge various equities, chiefly that the other securities, held by the New York Insurance Company, should be resorted to, and it is said they do not urge the want of notice as a ground of resisting the claim. They do, however, suggest, whether they are at all answerable, out of the funds of the Merchants' Insurance Company, to pay the claim on the policy or any part thereof. And they apprize them that they shall resort to all legal and equitable means to contest the claim under the policy. There is no admission of notice in this. Nor is there such in any act or statement of the receivers which has been pointed out. Neither can they be bound by any implied waiver of notice. An express waiver of any legal technical defence to a claim, would be as great a breach of duty as an abandonment of the most equitable one. In the case of the receivers of the Life and Fire Insurance Company, the chancellor treated them as bound to resist the claim of holders of certain securities, called bonds, upon grounds of a legal nature, which, as between the stockholders and the claimants, at least, had but little equity in them—(sect. 3, page 224.) Under these circumstances, the Court must proceed to the question, whether the neglect to give the notice, until more than four months after the loss, is fatal to the claim.

It is urged that the omission may be waived, as well as the omission to give full preliminary proofs of loss; and that such waiver may be im-

plied, from no objection being made on that account, and the refusal placed upon other grounds. The case of *Vos v. Robinson*, (9 John. Rep. 195,) as to a marine policy, and of *Dawes v. the N. R. Insurance Company*, (7 Cowen, 462,) upon a fire policy, have been cited to this point.

The former, as well as other cases, establish, that a defect in preliminary proofs may be waived. But the waiver must be made by a competent authority. In the latter case it was held, that the president of the Fire Insurance Company was not authorized by the charter to waive the full preliminary proofs; although it was admitted that, had they been dispensed with by a board of directors, or a committee authorized to settle the claim, the company would have been bound. But the president had no more power to dispense with the terms of the contract than any other stockholders.

It would be difficult to sustain the proposition, that the receivers could dispense with what the contract requires. It is, however, certain, that in this case they have not dispensed with it. The important case of *Inman v. the Washington Insurance Company*, (12 Wendell, 455,) has been cited and commented upon to sustain this defence. It appears to me to establish, beyond controversy, that no action could be sustained at law. What right has a court of equity to declare a different rule? I cannot find any equity arising from accident or any other cause on the part of the complainants, much less from the fraud of the defendants, which affords such equity. The original bill cannot be sustained.

Then the question is, whether the relief asked by the cross bill can be given?

If the case rested between the Merchants' Insurance Company and the New York Insurance Company alone, I should have no difficulty. The law of the court, whatever doubt may have before existed, is now certain. No instrument, deemed to be void by a court of equity, and which it will not enforce or make the ground of a decree asserting a right, ought to remain in existence, provided the pleading enable the courts to annul it. The doctrine is fully stated by Justice Story. (2 Story's Equity, 10. 700; see also, *Goddard v. Garret*, 2 Eq. Ab. 371, pl. 2; *French v. Conelly*, 2 Anst. 454; *Hamilton v. Cummings*, 1 Johns. C. R. 320.)

My doubt arises, first, from the injury that may result to other and innocent parties from the neglect of the company. But I am bound to consider that the company was the agent to assert their rights as well as its own, and that all the other parties had a right to supervise their conduct, and to see that their duty was performed. At least they must, although unfortunately, abide by the company's neglect; and the omission of proper notice is a defence against all, wheresoever the fault may lie.

But, next: I consider that, before the court can decree the cancelment of an instrument, it must see clearly that no person but those before it can sustain the claim under it; otherwise, the remedy should be a perpetual injunction against the parties to the suit.

I do not see that any person, except Elliott, Lamb, the company, or Raymond and his assignee, can possibly have any interest in the question.

The original bill must be dismissed, and a decree be made under the

cross bill for delivery up of the policy of insurance. Under the peculiar circumstances of the case, I think each party should bear his own costs.

INSURANCE—GENERAL AVERAGE—TECHNICAL TOTAL LOSS—PARTIAL LOSS—ABANDONMENT—SALE OF VESSEL BY THE MASTER—VALUATION—MARINE INTEREST.

THE case of *James L. P. Orrok and others v. Commonwealth Insurance Company*, recently decided by the Supreme Judicial Court of Massachusetts, was an action on a policy of insurance on the brig Rolla. The plaintiffs claimed for a total loss. The defendants admitted themselves to be liable for a partial loss, but not for a total loss.

It appeared that the insurance was on time; that the Rolla, on the 9th of February, 1835, during the time covered by the policy, struck upon a rock in the Mediterranean Sea, while pursuing a voyage from Barcelona to Vera Cruz, intending to touch at Gibraltar for provisions; that on the next day after getting off the rock, she was compelled, by the injury she had received, to put into Roquetas, where the captain procured eight men to go on board and assist in pumping; that on the following morning she was driven to sea by the violence of the wind, but succeeded in reaching Malaga on the 15th of February; that, at Malaga, by the advice of the American consul, a survey was called, and the surveyors reported, that it was necessary that the vessel should be unloaded, in order to examine her; that this having been done, another survey was called, and a report made by the surveyors in writing, which concluded by recommending that the vessel should be sold; and that the captain afterwards, by the advice of the consul, and in pursuance of such report, sold her by auction.

It farther appeared, that the cargo consisted of wines, and other articles which were not of a perishable nature; and that the vessel was repaired in about ten days so as to be enabled to make a voyage across the Atlantic.

The plaintiffs abandoned the vessel on the 5th of August, 1835; and there was evidence that the captain arrived in Boston on the 10th of the preceding July.

The defendants introduced, as a witness, John S. Tyler, an insurance broker in Boston, who testified, that, according to the usual manner of adjusting losses in Boston, the expense of the eight men from Roquetas, and that of the first survey while the cargo was on board, would be charged as general average; that the expense of the second survey, if on the vessel after the cargo was out, would be a partial loss; that the cost of the carpenters' work and labor, and all the expenses necessary in order to make the surveys, would follow the surveys respectively, and be general average or partial loss, as the principle to which they were incident was the one or the other; that the expenses of lighterage, boat hire, hire of the vessel in which the cargo was put, and all the expenses respecting the cargo, would be general average; that wages, and the cost of provisions, from the time of bearing away for a port of necessity, etc., if the vessel had been repaired, during such repairs, and until she was again upon her voyage, would also be general average; and that if, in order to make the repairs, money was raised on bottomry, one

third was deducted from the marine interest paid, and two thirds only charged to the underwriters.

At the trial, the counsel for the plaintiffs, upon the cross examination of Samuel F. Holbrook, a shipwright, who was introduced as a witness by the defendants, proposed the following question: "As this vessel and the injury to her have been described, would she, after being repaired, be of less value than before the injury happened?"

This question was objected to by the defendants; and the judge ruled that it could not be proposed.

The plaintiffs contended, that if the master could not have made complete repairs at Malaga, for less than one half of the value of the vessel, but could have made partial repairs at Malaga and then carried his vessel to Gibraltar, and there made complete repairs, at an expense in the whole not exceeding one half of such value, he was not bound to have made partial repairs at Malaga, and then have gone to Gibraltar for complete repairs; but the judge was of a different opinion, and instructed the jury accordingly.

The plaintiffs contended, that the valuation in the policy was not conclusive, and that they had a right to show that the vessel was of less value, and especially that she was of less value at Malaga, the port of necessity; but the judge instructed the jury otherwise, and ruled, that the valuation in the policy was conclusive.

The plaintiffs farther contended, that if the valuation in the policy was conclusive, still the premium should be excluded, in determining whether the insured were authorized to abandon; and that as the valuation in the present case was eight thousand dollars, including the premium of seven per cent., an excess of one half of seven thousand four hundred and forty dollars, would authorize an abandonment; but the judge ruled otherwise, and instructed the jury, that the insured were not authorized to abandon, unless the expense exceeded one half of eight thousand dollars.

The plaintiffs contended, that in determining whether the expense of repairs authorized an abandonment, the whole of the marine interest necessary to be paid was to be included; but the judge ruled otherwise, and instructed the jury, that only two thirds of the marine interest were to be included, that is, that the deduction of one third new for old was to be made from the whole cost (including the marine interest) of the items subject to such deduction.

Several other points were made by the plaintiffs, at the trial, which were overruled by the judge, and a verdict was rendered for a partial loss only.

The case was argued before the full court on a motion by the plaintiffs for a new trial, and the court decided that the verdict of the jury was right. They made the following, among other, points:

1. That on the question whether the cost of repairs would exceed half the value of the vessel, evidence tending to show that she would have been of less value after being repaired than she was before the injury, was inadmissible.

2. If the injury sustained by a vessel insured is not of such a nature and extent as to warrant an abandonment, it is not such a case of necessity as will warrant a sale by the master.

3. In determining whether the expenses in repairing an injury sus-

tained by a vessel insured under a valued policy, will exceed half of her value, and thus constitute a technical total loss, the valuation of the vessel in the policy is conclusive as to her value.

4. Where, in such case, the policy provides that the insured shall not have a right to abandon unless the loss exceeds half the amount insured, and the valuation includes the premium, the loss must exceed one half of the whole valuation, including the premium, to authorize an abandonment.

5. If it is necessary to raise money at marine interest for the purpose of repairing a vessel insured, the rule of deducting one third new for old is to be applied to such interest, in determining the amount for which the insurers are liable.

6. The vessel's proportion of items of general average is not to be added to the partial loss, in order to make up the loss of fifty per cent. which authorizes an abandonment.

COMMERCIAL REGULATIONS.

AN ORDINANCE CONCERNING THE LEVEE DUTIES IN AND FOR THE PORT OF NEW ORLEANS.

The General Council of the Municipalities of New Orleans, in conformity with the 20th section of the Act of Incorporation, approved 8th March, 1836, ordain as follows:

ARTICLE 1. The levee or wharfage duties, on ships and other decked vessels, and on steam vessels, arriving from sea, shall be fixed as follows:—

On each sea vessel under 75 tons.....	\$12 00
“ “ of 75 and under 100 tons.....	15 00
“ “ 100 “ 125	20 00
“ “ 125 “ 150	25 00
“ “ 150 “ 200	30 00
“ “ 200 “ 250	40 00
“ “ 250 “ 300	50 00
“ “ 300 “ 350	55 00
“ “ 350 “ 400	60 00
“ “ 400 “ 450	65 00
“ “ 450 “ 500	75 00
“ “ 550 “ 600	85 00
“ “ 600 “ 650	95 00
“ “ 650 “ 700	110 00
“ “ 700 “ 750	120 00
“ “ over 750.....	130 00

ART. 2. The payment of these duties shall be exacted and collected by the municipality within whose limits such vessels may have moored, after their arrival from sea in port; and an extra duty, of one third of these rates, shall be paid by all vessels which may remain in port over two months, the same to be recovered at the commencement of the third month; and if they remain in port four months, then they shall pay a farther additional wharfage, of one third of said rates, at the commencement of the fifth month, and be privileged to remain until the expiration of six months from date of original arrival and mooring, without a farther charge being imposed on them.

ART. 3. When any vessel shall be removed from that division of the port in which it shall have originally paid duty, to another division of said port, under the jurisdiction of another municipality, said latter municipality shall be entitled to receive from the municipality to which said duty had been first paid, in the following ratio, viz.:

One half of the duty actually paid or due, if said vessel have not remained longer than fifteen days in that part of the port in which it was first moored; one third, if said vessel have remained longer than fifteen days, but not more than twenty-five days; but if beyond twenty-five days, not any part of said duty shall be recovered. Nevertheless.

the municipality in whose limits said vessels shall afterwards be moored, shall have the right to levy and collect the extra duty of one third of the rates mentioned in Article 1, on the conditions mentioned in Article 2; provided, that no farther charge or extra duty shall be exacted from any vessel which may have removed from one part of the port to another, for the mere purpose of forthwith proceeding to sea.

ART. 4. All vessels or steamboats coming from sea, which, after their arrival in port, shall proceed to, and return from, any plantation or other place, with a cargo, or part of a cargo, of any kind of produce whatever, and shall again enter the port for the purpose of discharging the same, shall pay, on returning from any such trip, a levee duty of eight dollars over and above the duties fixed by the 1st Article of this ordinance, the same to be collected by the municipality within whose limits said vessels may discharge said produce.

ART. 5. The levee duties on steam vessels navigating on the river, and which shall moor and land in any part of the incorporated limits of the port, shall be fixed as follows:

On each steamer under 75 tons.....	\$ 8 00
“ “ of 75 and under 100 tons.....	12 00
“ “ 100 “ 150	16 00
“ “ 150 “ 200	20 00
“ “ 200 “ 250	25 00
“ “ 250 “ 300	30 00
“ “ 300 “ 350	35 00
“ “ 350 “ 400	40 00
“ “ 400 “ 450	45 00
“ “ 450 “ 500	50 00
“ “ 500 “ 550	55 00
“ “ over 550.....	60 00

ART. 6. All steam vessels employed as packets, and plying regularly between this port and the ports in the Gulf of Mexico, including Havana, shall pay no other or higher rate of wharfage than is imposed by this ordinance on steamboats navigating the Mississippi.

ART. 7. The duties specified in the preceding Article, shall be paid on the mooring and landing of said steamers in port, by their captains or other agents, to the officer entrusted with their collection by the municipality within whose limits said vessels shall have moored and landed.

ART. 8. After the payment of these duties, said steamers shall be entitled to remain thirty days in that part of the port which may have been designated by the municipality to which it belongs; and any steamer remaining over thirty consecutive days, shall pay an additional duty of two dollars per day, until its final departure from port, the same to be collected daily; and if any steamer leave its first landing-place, to take a berth and be moored in another municipality, it shall pay said additional duty of two dollars per day, to the collector of the municipality into whose limits it shall have been removed, whether said term of thirty days shall have expired or not at the time of such removal.

ART. 9. Steamers employed as tow boats, and which shall have received on board any produce, the whole or any part of the cargo of a vessel, and shall discharge the same on the levee, shall pay the same duty as is specified in Article 5, according to their tonnage; said duty to be collected by the proper officer of the municipality within whose limits such discharge shall be effected.

ART. 10. Tow boats shall pay, for each time they may moor to take in wood or other fuel, eight dollars to the municipality within whose limits they may moor and take in said fuel.

ART. 11. The following levee dues shall be exacted on all flat boats, barges, keel boats, pirogues, and all other raft, crafts, &c.:

On each flat boat, either fully or in part laden with produce, materials, or merchandise of any kind.....	\$10 00
On each barge, measuring 70 feet or more in length.....	10 00
On all barges, keel boats, or boats measuring less than 70 feet, and not exceeding 15 tons burthen.....	6 00
On all other boats not described in the present ordinance.....	4 00
On each coasting pirogue.....	1 00
The owners or keepers of boats used as places of depot for any article whatever, shall pay a duty, per day, of.....	1 00
The following duties shall also be levied:	
On being broken up, if in the incorporated limits of the port, each flat boat..	4 00

On each steamer, or other vessel than flat boats, being broken up within said limits.....	10 00
On rafts of timber not containing more than 25 logs each raft.....	5 00
On each raft of timber containing more than 25 logs, then in the ratio of that increase.	
On each craft measuring 40 tons or under, employed to carry sugar, molasses, wood, or any other description of merchandise, there shall be levied, on each trip, a duty of.....	4 00
On all craft exceeding forty tons each, employed as above, shall also be levied, on each trip, a duty of.....	6 00

ART. 12. All boats or other vessels arriving within the limits of the port, with fish, meat, vegetables, eggs, or any and every other kind of provisions, expressly for the purpose of supplying the several markets, shall be entirely exempt from paying any levee dues; but the same, and all other description of craft otherwise employed, whether particularly mentioned in this ordinance or not, shall pay duty according to the tariff above ordained.

ART. 13. The time allowed for all pirogues, flat boats, boats, barges, and keel boats, to land their cargoes in port, shall be fixed at twelve days from their original arrival, after which said craft shall pay daily an additional duty, on each barge, boat, or keel boat over 70 feet in length, of..... \$1 00

And less than 70 feet long..... 75

And in the event of any said vessels removing from one municipality to another, from their first place of landing, they shall pay daily said additional duty to the latter municipality, whether said term of twelve days shall have expired or not.

The time allowed for discharging of boats or other craft not otherwise described in this ordinance, is fixed at twelve days from their arrival in port, after which said boats and craft, and all rafts and floats, shall be taken out of the incorporated limits of the port, under penalty of being fined \$25 for each day they may be found in violation of the law, said fine to be paid by all owners, masters, keepers, or consignees of said flat boats, rafts, or floats, for each and every day they may refuse to comply with the dispositions of the present ordinance; said fine to be recovered before any competent tribunal, on the evidence of the proper officer whose duty it is to see the levee or port ordinances carried into effect. Provided, however, that this clause in the present ordinance shall not deprive any of the municipalities of the right of granting a specific privilege for said flat boats, rafts, or floats, to be broken up and used within any one of their respective limits.

ART. 14. It is hereby expressly forbidden to all owners, masters, consignees, or other persons, to sell, or cause to be sold, on board of any of the aforesaid craft, under any pretence whatever, wine, beer, cider, and spirituous liquors, in quantities less than a barrel, under a penalty of fifty dollars for each contravention; said fine to be paid by them in the like manner, and on the like evidence, as described in Article 13. It is also expressly forbidden to smoke, or allow to be smoked, meat of any kind on board of said craft, under the penalty, in the manner levied, and on the evidence above mentioned.

ART. 15. All barges, flat boats, keel boats, or other craft, in which shall be exposed for sale in the part of the port assigned for their accommodation during the said term of twelve days, any produce, goods, or merchandise, brought on board from a distance less than 100 miles above the city of New Orleans, excepting sugar, molasses, and cotton, the staples of Louisiana, shall be fined in a sum of not less than \$50, nor exceeding \$100, the same to be recovered in the manner set forth in Article 13.

ART. 16. In case any person should furnish any false reports relative to the cargoes, owners, or consignees, or the date of such crafts entering the port, or in any manner interfere with or impede the officers of the several municipalities in the free exercise of the duties devolving on them, said person or persons so contravening shall, on conviction, pay a fine of not less than \$20, nor exceeding \$100, for each contravention.

ART. 17. It shall be obligatory on the part of captains of vessels and steamers, and also on masters, owners, and keepers of all crafts, flat boats, rafts, and floats, to pay the aforesaid duties on board of their respective vessels, a receipt for which shall be delivered to them by the proper officer of each municipality, in order to prove payment thereof, in case any of said vessels, craft, &c., be removed from one division of the port to another.

ART. 18. All the fines imposed by this ordinance shall be for the benefit of the municipality within which any contravention thereof may have been committed; the same to be levied on the evidence of the wharfinger, and if voluntarily paid, the receipt for the same shall be given by the treasurer; but if they be resisted, then their recovery shall be effected by and before an authority or court of competent jurisdiction.

ART. 19. It shall be a special duty of the wharfinger for each municipality to make a weekly report to the comptroller thereof, of all and every description of vessels, their tonnage, &c., which may each day enter and moor within the limits of the port under his superintendence; which weekly report shall be carefully filed in the office of said comptroller, for farther reference and examination, and in regular rotation of dates.

ART. 20. Be it farther ordained, that, from and after ten days' promulgation of this ordinance, the wharfage collectors of the three municipalities shall cause to be kept, by the enrolling clerk at the customhouse, a record book, in which daily entries shall be made of every vessel which may arrive from sea, specifying their names, their masters, consignees, where from, and their tonnage, having three marginal spaces on the right hand, headed, municipality Nos. 1, 2, 3, respectively, which space shall be from time to time filled up with the signatures of the three several wharfage collectors, indicating that they have received the wharfage due to their respective municipalities, by each of whom the expense of procuring and maintaining said book of record, if any, shall be borne and paid in three equal proportions.

ART. 21. Be it also ordained, that, in the event of the resignation or suspension of any officer or officers employed as collectors of any of the branches of the revenues belonging to either of the municipalities, he or they shall be forthwith required to deliver up to the treasurer of the municipality whence his or their appointment was derived, all his or their books, accounts, and vouchers appertaining thereto.

ART. 22. The present ordinance shall be put in force in ten days after its promulgation by the mayor; and the execution of such dispositions thereof as relate to the police of the port, shall specially belong to the officers appointed by each of the municipalities for this purpose.

ART. 23. All previous ordinances, or parts of ordinances, relative to levee dues, and to the police of the port, and which may be at variance with, or opposed to, the provisions of the present ordinance, shall be, and the same are hereby repealed.

HOSPITAL MONEY.

Extract from Chapter XIV. Title IV. of the Revised Statutes of the State of New York, entitled, "Of the public health."

SEC. 7. The health commissioner shall demand, and be entitled to receive, and in case of neglect or refusal to pay, shall sue for and recover, in his name of office, the following sums, from the master of every vessel that shall arrive in the port of New York, namely:

1. From the master of every vessel from a foreign port, for each cabin passenger, one dollar and fifty cents; for each steerage passenger, one dollar.

2. From the master of each coasting vessel, for each passenger on board, twenty-five cents; but no coasting vessel from the states of New Jersey, Connecticut, and Rhode Island, shall pay for more than one voyage in each month, computing from the first voyage in each year.

SEC. 9. Each master paying hospital monies, shall be entitled to demand and recover, from each person for whom they shall be paid, the sum paid on his account.

SEC. 10. Every master of a coasting vessel shall pay to the health commissioner, at his office, in the city of New York, within twenty-four hours after the arrival of his vessel in the port, such hospital monies as shall then be demandable from him under the provisions of this title; and every master, for each omission of such duty, shall forfeit the sum of one hundred dollars.

IMPORTANT TO BOOKSELLERS.

It is stated in the London Morning Post, that Messrs. Black and Armstrong, foreign booksellers, of Wellington-street, Strand, have addressed circulars to the trade, to inform them of the successful result of a memorial to the Treasury, on the subject of the exports on which drawback is claimed. The Board of Excise has issued a warrant, stating, that in future no objection will be made to the introduction of pens, pencils, inkstands, rulers, sealing-wax, wafers, and other articles of stationery, or of books not entitled to drawback, into packages containing paper or books intended to be exported on drawback, provided that, in the case of stationery, the quantity packed shall not exceed in weight one fifth of the weight of the paper, and in the case of books not entitled to drawback, one tenth of the weight of the drawback books contained in the package in which they are placed, and provided the exporter shall cause to be marked in a legible manner on the outside of each package, in the presence of the packing-officer, the nett weight of each; and the nett weight of the articles or books not entitled to drawback, packed with them; and the tare of the package.

COMMERCIAL STATISTICS.

COMMERCE OF CONNECTICUT, FROM 1791 TO 1838.

Compiled from Official Documents, by S. Hazard, Esq., of the U. S. Statistical Register.

Years.	EXPORTS.			Imports.	Duties on foreign merchandise imported.	Dr-backs paid on foreign merchandise exported.	Registered tonnage.
	Domestic.	Foreign.	Total.				
1791	.....	.....	710,353	.....	214,267	.....	18,140 00
1792	.....	.....	879,753	.....	149,162	33	16,523 00
1793	.....	.....	770,255	.....	169,770	1,198	18,015 85
1794	.....	.....	812,765	.....	186,535	376	20,511 59
1795	.....	.....	819,465	.....	168,798	1,796	23,549 91
1796	.....	.....	1,452,793	.....	191,309	33,685	26,045 39
1797	.....	.....	814,506	.....	160,488	30,398	19,634 25
1798	.....	.....	763,128	.....	181,960	37,819	23,549 44
1799	.....	.....	1,143,818	.....	334,870	21,021	31,632 63
1800	.....	.....	1,114,743	.....	204,839	15,748	31,260 39
1801	.....	.....	1,446,216	.....	367,861	15,721	34,465 58
1802	.....	.....	1,606,809	.....	339,870	53,522	24,940 05
1803	1,238,388	10,183	1,248,571	.....	350,110	21,402	26,770 54
1804	1,486,882	29,228	1,516,110	.....	429,531	47,150	23,683 67
1805	1,353,537	90,190	1,443,727	.....	464,592	80,488	29,563 31
1806	1,522,750	193,078	1,715,828	.....	478,664	114,715	26,026 37
1807	1,519,083	105,644	1,624,727	.....	464,467	114,896	27,071 11
1808	397,781	15,910	413,691	.....	254,769	24,314	22,297 87
1809	655,228	11,255	666,513	.....	163,684	16,729	21,306 46
1810	762,785	5,858	768,643	.....	187,521	8,312	22,671 35
1811	994,216	38,138	1,032,354	.....	256,361	3,709	26,502 65
1812	720,805	.....	780,805	.....	873,829	14,220	29,953 54
1813	968,729	5,574	974,303	.....	448,595	24,557	24,241 00
1814	1,042,776	360	1,043,136	.....	100,707	.....	25,016 54
1815	383,135	.....	383,135	.....	230,229	35,261	33,472 12
1816	587,007	6,799	593,806	.....	347,436	5,595	24,624 62
1817	574,290	29,849	604,139	.....	176,837	5,855	21,127 64
1818	574,500	3,064	577,564	.....	205,470	5,701	13,499 31
1819	437,851	683	438,534	.....	238,190	3,038	14,378 30
1820	415,830	6,101	421,931	.....	208,756	1,298	14,341 67
1821	366,180	10,007	376,187	312,090	196,193	2,940	14,084 85
1822	479,353	5,959	485,312	507,094	262,375	1,437	16,419 84
1823	480,941	1,120	482,061	456,463	242,496	6,096	16,258 81
1824	570,634	5,218	575,852	581,510	306,936	5,157	14,558 75
1825	684,686	4,584	689,270	707,478	275,933	10,856	13,084 78
1826	695,454	13,439	708,893	736,194	274,703	6,369	13,351 36
1827	567,100	23,175	590,275	630,004	189,823	12,196	14,704 76
1828	493,925	27,620	521,545	485,174	238,562	1,620	16,814 44
1829	450,985	6,985	457,970	309,538	166,544	29,304	16,916 42
1830	385,610	3,901	389,511	269,583	125,386	20,503	14,989 05
1831	482,073	810	482,883	405,066	113,125	12,433	17,064 43
1832	430,466	.....	430,466	437,715	114,528	6,069	21,068 85
1833	427,603	.....	427,603	352,014	87,122	3,887	21,805 33
1834	421,419	997	422,416	385,720	83,443	374	24,939 79
1835	487,510	25,460	512,970	439,502	82,742	1,441	26,112 74
1836	431,176	7,023	438,199	468,163	106,521	2,164	27,398 35*
1837	523,103	9,487	532,590	318,849	.....	.....	28,716 03*
1838	513,610	.....	513,610	343,331	.....	.....	28,451 19*

* Ending 30th of September.

COMMERCE OF THE UNITED STATES.

Value of Exports from each State for ten years, ending 30th September, 1838. Compiled from tables appended to a Report of the Secretary of the Treasury.

<i>Years.</i>	<i>Maine.</i>	<i>N. Hampshire.</i>	<i>Vermont.</i>	<i>Massachusetts.</i>	<i>Rhode Island.</i>	<i>Connecticut.</i>	<i>New York.</i>
1829	737,832	105,740	808,079	8,254,937	390,381	457,970	20,119,011
1830	670,522	96,184	658,256	7,213,194	278,950	389,511	19,697,983
1831	805,573	111,222	925,127	7,732,763	367,465	482,883	25,535,114
1832	981,443	115,582	349,820	11,993,768	534,459	430,466	26,000,945
1833	1,010,831	155,258	377,399	9,683,122	485,481	427,603	25,395,117
1834	834,167	80,870	334,372	10,148,820	501,626	422,416	25,512,014
1835	1,059,367	81,681	328,151	10,043,790	296,003	519,270	30,345,264
1836	850,986	15,520	188,165	10,384,346	228,420	438,199	28,920,438
1837	955,952	34,641	138,693	9,728,190	488,258	532,590	27,338,419
1838	935,532	74,670	132,650	9,104,862	291,257	543,610	23,008,471

<i>Years.</i>	<i>New Jersey.</i>	<i>Pennsylvania.</i>	<i>Delaware.</i>	<i>Maryland.</i>	<i>District of Columbia.</i>	<i>Virginia.</i>	<i>North Carolina.</i>
1829	8,022	4,089,935	7,195	4,804,465	928,097	3,787,431	564,506
1830	8,324	4,291,793	52,258	3,791,482	753,973	4,791,644	399,333
1831	11,430	5,513,713	34,514	4,308,647	1,220,975	4,150,475	341,140
1832	61,794	3,516,066	16,242	4,499,918	1,154,474	4,510,650	342,041
1833	32,753	4,078,951	45,911	4,062,467	1,002,816	4,467,587	433,035
1834	8,131	3,989,746	51,945	4,168,245	820,394	5,483,098	471,406
1835	74,041	3,739,275	88,826	3,925,234	517,639	6,064,063	319,327
1836	62,809	3,971,555	74,981	3,675,475	326,871	6,192,040	429,851
1837	44,217	3,841,599	40,333	3,789,917	469,209	3,702,714	551,795
1838	28,010	3,477,151	36,844	4,524,575	373,113	3,986,228	545,223

<i>Years.</i>	<i>South Carolina.</i>	<i>Georgia.</i>	<i>Ohio.</i>	<i>Michigan.</i>	<i>Alabama.</i>	<i>Louisiana.</i>	<i>Florida.</i>
1829	8,175,586	4,981,376	2,004	.....	1,693,958	12,386,060	56,086
1830	7,627,031	5,336,626	.....	1,588	2,294,594	15,488,692	7,570
1831	6,575,201	3,959,813	14,728	12,392	2,413,894	16,761,989	30,495
1832	7,752,731	5,515,883	58,394	9,234	2,736,387	16,530,930	65,716
1833	8,434,325	6,270,040	225,544	9,054	4,527,961	18,941,373	64,805
1834	11,207,778	7,567,327	241,451	36,021	5,670,797	26,557,524	228,825
1835	11,338,016	8,890,674	97,204	64,830	7,574,692	36,270,823	61,710
1836	13,684,376	10,722,200	3,718	61,231	11,184,166	37,179,828	71,662
1837	11,220,161	8,935,041	132,844	69,790	9,671,401	35,338,697	90,084
1838	11,042,070	8,803,839	139,827	125,660	9,688,244	31,502,248	122,532*

* For Kentucky, Tennessee, and Indiana, none put down; and for Mississippi, the value for 1837 only, stated at \$304,831.

BANKRUPTCIES IN FRANCE.

From the 1st of January, 1839, to the 1st January, 1840, 1,013 bankruptcies were declared for the department of the Seine; viz.: 58 in January, 68 in February, 79 in March, 84 in April, 86 in May, 100 in June, 91 in July, 107 in August, 84 in September, 103 in October, 79 in November, and 76 in December. The total amount of these failures was 60 millions of francs.

VALUE OF EXPORTS FROM THE UNITED STATES,
To each of the following Foreign Countries, for ten years, ending 30th September, 1838.
From a Report of the Secretary of the Treasury.

Years.	Great Britain and depen- dencies.	France and dependencies.	Spain and dependen- cies.	Neth'rlands and depen- dencies.	Sweden and dependen- cies.	Denmark and depen- dencies.
1829	28,071,084	12,832,304	6,388,094	4,622,120	957,948	2,311,174
1830	31,647,881	11,806,238	6,049,051	4,562,437	961,729	2,014,085
1831	39,901,379	9,882,679	5,661,420	3,096,609	540,078	2,000,793
1832	37,268,556	13,244,698	6,399,193	6,035,466	515,140	2,207,551
1833	39,782,240	14,424,533	6,506,041	3,566,361	420,069	1,839,834
1834	50,797,650	16,111,442	6,296,556	4,578,739	494,741	1,857,114
1835	60,167,699	20,335,066	7,069,279	4,411,053	602,593	1,780,496
1836	64,487,550	21,441,200	8,081,668	4,799,157	700,386	2,122,469
1837	61,217,485	20,255,346	7,604,002	4,285,767	507,523	1,640,173
1838	58,843,392	16,252,413	7,684,006	3,772,206	355,852	1,299,927

Years.	Portugal and dependencies.	China.	Hanse Towns.	Russia.	West Indies generally.	Texas
1829	322,911	1,354,862	3,277,160	386,226	369,619	.....
1830	279,799	742,193	2,274,880	416,575	247,121	.....
1831	294,383	1,290,835	2,592,172	462,766	635,627	.....
1832	296,218	1,260,532	4,088,212	582,682	562,954	.....
1833	422,561	1,433,759	2,903,296	703,805	367,773	.....
1834	322,496	1,010,483	4,659,674	330,694	408,643	.....
1835	521,413	1,868,580	3,528,276	585,447	450,516	.....
1836	191,007	1,194,264	4,363,882	911,013	513,996	.....
1837	423,705	630,591	3,754,949	1,306,732	467,557	1,007,928
1838	232,131	1,516,602	3,291,645	1,048,289	339,052	1,247,880

Years.	Mexico.	Columbia.	Central America.	Brazil.	Argentine Republic.	Chili.
1829	2,331,151	767,348	239,854	1,929,927	626,052	1,421,134
1830	4,837,458	496,990	250,118	1,843,238	629,887	1,536,114
1831	6,178,218	658,149	306,497	2,076,095	659,779	1,368,155
1832	3,467,541	1,117,024	335,307	2,054,794	923,040	1,221,119
1833	5,408,091	957,543	575,616	3,272,101	699,728	1,463,940
1834	5,265,053	795,567	184,149	2,059,351	971,837	1,476,355
1835	9,029,221	1,064,016	183,793	2,608,656	708,918	941,884
1836	6,041,635	829,255	189,518	3,094,936	384,933	937,917
1837	3,880,323	1,080,119	157,663	1,743,209	266,008	1,487,799
1838	2,164,097	724,739	243,040	2,267,194	236,665	1,370,264

COMMERCIAL PROGRESS OF FRANCE.

The following statistical notes of the industry of France are given in the *Journal Général*: "In 1819 the quantity of merchandise conveyed in French vessels was only 726,000,000 kilogrammes. In the year 1838 it was 1,206,966,000. In 1819 the duties upon public carriages amounted to only 3,101,358 francs; in 1838 they were 6,200,000 francs. The amount of machinery exported in 1820 was only 216,500 francs; in 1838 it was 3,980,607 francs. In 1818 there was only sufficient cotton machinery in France to spin 16,914,217 kilogrammes of cotton in a year, but in 1838 it had so increased that 51 millions were spun."

COTTON TRADE.

Table showing the equality of prices in Charleston, Savannah, and Havre, laid down at the latter place, with charges as at foot. The charges noticed at the bottom of each table are included in the prices.

CTS.	EXCHANGE.						
	5 10	5 15	5 20	5 25	5 30	5 35	5 40
6	61 10	61 64	62 20	62 59	63 15	63 5	63 84
6½	64 60	65 16	65 75	66 16	66 65	67 00	67 50
7	68 10	68 68	69 30	69 73	70 25	70 65	71 18
7½	71 60	72 20	72 85	73 30	73 85	74 30	74 85
8	75 10	75 72	76 40	76 87	77 45	77 95	78 52
8½	78 60	79 24	79 85	80 44	81 05	81 60	82 19
9	82 10	82 76	83 40	84 01	84 65	85 25	85 86
9½	85 60	86 28	86 95	87 58	88 25	88 90	89 53
10	89 10	89 80	90 50	91 15	91 85	92 55	93 20
10½	92 60	93 32	94 05	94 72	95 45	96 20	96 87
11	96 10	96 85	97 60	98 35	99 10	99 85	100 60
11½	99 60	100 37	101 15	101 92	102 70	103 50	104 27
12	103 05	103 85	104 70	105 50	106 30	107 15	107 95

CHARGES.

At Savannah.—Commission for purchasing, 2½ per cent.; commission for drawing, 1½ per cent.; insurance against fire, 1.6 per cent.; rope, mending, and drayage, 25 cents per bale; insurance over sea, 1½ per cent.

At Havre.—Freight, 1c. per lb., and 5 per cent. primage; duty, 22 francs for 50 kilogrammes; landing charges, storage one month, and delivery, 2 francs per bale; and all other charges at Havre, including loss of interest, commission, and brokerage, 5½ per cent.; tare bonification, 3 kilogrammes per bale, and ropes at 3.

Remarks.—¼c. difference in the freight, is 1½ centimes; ¼c. in the price of cotton, is from 1.75 to 1.80 centimes. 100 lbs. at Savannah yield 41.20 kilogrammes at Havre.

N. B. The above table also applies to Marseilles.

Table showing the cost of Cotton bought at Savannah, laid down in Liverpool, with charges, as annexed.

CENTS.	EXCHANGE.					
	5	6	7	8	9	10
8	5 97	5 93	5 88	5 84	5 79	5 75
8½	6 27	6 22	6 17	6 12	6 08	6 03
9	6 56	6 51	6 46	6 41	6 36	6 31
9½	6 86	6 80	6 76	6 70	6 65	6 59
10	7 16	7 10	7 05	6 99	6 94	6 88
10½	7 46	7 39	7 34	7 27	7 22	7 16
11	7 75	7 68	7 63	7 56	7 51	7 46
11½	8 05	7 98	7 91	7 85	7 78	7 72
12	8 34	8 27	8 20	8 14	8 04	7 97
12½	8 63	8 56	8 49	8 42	8 34	8 28
13	8 92	8 85	8 78	8 71	8 65	8 56
13½	9 22	9 15	9 08	9 01	8 95	8 86

CHARGES.

Commission for purchasing, 2½ per cent.; commission for drawing, 1½ per cent.; insurance against fire, 1.5 per cent.; rope, mending, and drayage, 25 cents per bale; insurance to Liverpool, 1½ per cent.; loss of weight, 5 per cent., from weight paid for to landing weight; freight, ¼d. per lb., and 5 per cent. primage; duty, 5.16 per lb., or 2s. 11d. per 100; landing charges, 3s. per bale; brokerage in Liverpool, ½ per cent.; two months interest and commission 4d.

Table showing the equality of prices in Liverpool and Havre, for American Cottons.

<i>L'pool.</i>				<i>Havre.</i>				<i>L'pool.</i>				<i>Havre.</i>			
5 d.	equal	to	francs	70	10	duty	paid.	9 d.	equal	to	francs	120	35	duty	paid.
5½	73	30	.....	.....	9½	..	..	..	123	60	.....	.....
5½	76	40	.....	.....	9½	..	..	..	126	70	.....	.....
5½	79	55	.....	.....	9½	..	..	..	129	75	.....	.....
6	82	65	.....	.....	10	..	..	..	132	95	.....	.....
6½	85	85	.....	.....	10½	..	..	..	136	05	.....	.....
6½	88	95	.....	.....	10½	..	..	..	139	25	.....	.....
7	95	20	.....	.....	10½	..	..	..	142	30	.....	.....
7½	98	40	.....	.....	11	..	..	..	145	50	.....	.....
7½	101	50	.....	.....	11½	..	..	..	148	60	.....	.....
7½	104	70	.....	.....	11½	..	..	..	151	80	.....	.....
8	107	80	.....	.....	11½	..	..	..	154	80	.....	.....
8½	111	10	.....	.....	12	..	..	..	158	05	.....	.....
8½	114	10	.....	.....	12½	..	..	..	161	20	.....	.....
8½	117	30	.....	.....						

BANK STATISTICS.

BANKS OF BALTIMORE.

The following statements, (says the Baltimore Patriot,) as exemplifying the practical operation of the Banking system in Maryland, will, of course, command attention. As regards the relative amount of specie and circulation possessed by the banks, the statement, in its aggregate, shows the Maryland banks to be in a condition which would have been deemed one of undoubted soundness and safety. Their aggregate specie, to their aggregate circulation, as shown by the annexed tabular statement, made up from these returns, is about as one to two. Ten years ago, one to three was generally held to be a safe proportion. The reflection that naturally arises is, that banks which, in a period of suspension, are able and willing to contract their issues and to maintain their circulation at so low a point as two to one, compared with their specie, must be, in the main, conducted with prudence and caution, and are, therefore, likely to deserve the public confidence.

Condensed View of the condition of the several Banks of the City of Baltimore, on the 6th of January, 1840.

BANKS.	Capital.	Inv'tment in stocks.	Discounts.	Specie.	Circulation.	Deposits.
Farmers' and Planters'	600,425	13,050	803,264	75,852	223,870	179,981
Franklin.....	628,070	215,888	905,202	72,056	276,049	443,161*
Comm'cial & Farmers'	512,426	106,761	606,931	124,042	117,485	207,540
Western.....	589,050	67,661	740,089	100,295	165,315	93,540
Marine.....	309,220	24,229	383,763	58,201	107,310	109,788
Union.....	1,845,562	880,588	2,053,068	104,689	306,420	769,866†
Merchants'	2,000,000	161,874	2,200,753	205,597	178,750	311,324
Baltimore.....	1,199,350	90,140	1,891,900	120,020	280,053	466,192
Mechanics'	560,634	114,817	652,235	78,976	228,280	309,796
Chesapeake.....	428,397	41,315	640,634	31,327	122,530	198,115
Farmers & Merchants'	491,950	90,671	500,809	34,357	107,380	35,967
Citizens'.....	333,950	.....	405,690	31,350	83,435	39,238
Total.....	9,499,004	1,807,004	11,784,338	1,036,765	2,198,867	3,224,498

* Of which sum, \$194,844 is a deposit of the state.

† Of which sum, \$366,543 is a deposit of the state.

BANK OF ENGLAND.

Quarterly average of the weekly liabilities and assets of the Bank of England, from the 10th of December, 1839, to the 3d of March, 1840, both inclusive, published pursuant to Acts 3 and 4 William IV., chap. 98 :

LIABILITIES.		ASSETS.	
Circulation.....	£16,678,000	Securities.....	£23,223,000
Deposits.....	7,896,000	Bullion.....	4,271,000
	£24,574,000		£27,494,000

This return shows an augmentation in the currency to some extent. Compared with the last account, there is an increase upon each item—on circulation, £167,000; on deposits, £326,000; on securities, £242,000; and on bullion, £307,000. The actual stock of bullion in the Bank at this moment, is estimated to be about £4,500,000.

INSURANCE.

ANNALS OF INSURANCE IN THE WEST.

The first Insurance Company established in the west, was at Lexington, Kentucky, which went into operation about 1816, but ceased to exist in one or two years. The second was the old Cincinnati Insurance Company, established in 1818, which issued some fifty or sixty policies, and in one or two years closed up its concerns. The third was the old Louisville Marine Insurance Company, which was established in or about the year 1818, and issued two hundred policies or upwards, and some years afterwards wound up its affairs. The fourth is the Cincinnati Equitable Fire Insurance Company established in 1825, and is now in operation, and conducted on the principles of *mutua*. insurance. The fifth was the Ohio Insurance Company, established in 1827, at which period there was no local insurance company in the west, with the exception of the Equitable Fire Insurance Company referred to, the Fire and Marine Insurance being at this period confined to the eastern offices, and their agencies in the west. To those familiar with the history of that period, it will be recollected that for several months pending the establishment of the Ohio Insurance Company, it was exceedingly doubtful whether it could be put in operation, from the difficulty of disposing of a sufficient amount of the stock; but having commenced its operations, its success was decided, and two years afterwards arose, in 1829, the Cincinnati Insurance Company.

These two companies had, by their charters, a capital of \$250,000 each. The same year, the Louisville Marine and Fire Insurance was organized, and went into operation, capital, \$200,000. In 1830, three new offices were established in the west, viz: the Louisville Mutual Fire Insurance Company, the Louisville Merchants' Insurance Company, and the Wabash Insurance Company, with an aggregate capital of \$400,000. In 1831, two more were added, viz: the Madison Insurance Company in Indiana, and the Missouri Insurance Company at St. Louis—aggregate capital, \$200,000. In 1832, three more were added, viz: the Firemen's Insurance Company at Cincinnati, the Lanesburgh Insurance Company, and the New Albany Insurance Company in Indiana—aggregate capital, \$400,000. In 1833, but one was added to the number, viz: the Franklin Fire Insurance Company, at Frankfort, Kentucky—capital, \$100,000. But in 1834, seven new offices were chartered at Warren, Dayton, and Cleveland, in Ohio; at Maysville and at Louisville, in Kentucky; and at Jeffersonville and Rising Sun, in Indiana—aggregate capital, \$800,000. In 1835, nineteen additional offices were established, viz: seventeen in Ohio, and two in Kentucky—aggregate capital, \$1,600,000. In 1836,

fourteen more were chartered, viz: eight in Ohio, three in Kentucky, two in Indiana and one in Missouri—aggregate capital, \$1,800,000. In 1837, twenty-two more were chartered, viz: two in Ohio, seven in Indiana, and thirteen in Missouri—aggregate capital, \$4,000,000.

The foregoing enumeration, however, embraces only the offices chartered in the four western states of Ohio, Kentucky, Indian, and Missouri. No office was established in Tennessee, Illinois, western Pennsylvania, or western Virginia, until 1832, since which, fifteen or twenty companies have been established in these states, with an aggregate estimated capital, \$1,500,000. Mississippi and Louisiana have been omitted in the foregoing calculation, as our statistics do not furnish adequate data for the occasion, but we estimate the amount of capital in these two states at, perhaps, \$300,000.

Thus, we perceive, that in 1826, twelve years since, there was no local insurance office in the western states, north of Natchez, except the Equitable Fire Insurance Company at Cincinnati; that in 1833, seven years after, there were only twelve, with an aggregate capital of \$1,800,000; but that in the four succeeding years, to the spring of 1838, the number was increased to considerably more than one hundred, the whole wielding, in the aggregate, the immense capital of \$15,000,000.

STATISTICS OF NAVIGATION.

STEAM NAVIGATION.

Mr. William C. Redfield of New York, has furnished for publication the following statements relative to steamboat accidents:

The number of miles navigated by steam vessels connected with the port of New York, in five years ending 31st December, 1824, was about 2,827,750, with an aggregate of 4,796,000 passengers; of whom 38, or one in 126,211, lost their lives. Twelve accidents occurred.

During the five years ending at the close of 1833, the estimated number of miles run was 4,216,200, with an aggregate of 9,419,700 passengers. Number of accidents, 5. Lives lost, 62; or one in 151,931.

During the five years ending 31st December, 1838, the estimated number of miles run was 5,467,450; aggregate number of passengers, 15,886,300; number of accidents, 2; lives lost, 8; or one in 1,985,787.

The average number of miles to each explosion the first of the above periods was 235,646; in the second, 843,240; in the third, 2,733,725.

The estimated average pressure of steam used during the first period, was 7 inches; second period, 14 inches; third period, 18 inches.

It appears from the average results of this table, says Mr. Redfield, that during even the first period of five years after the navigation was thrown open to public competition, the ratio of steam accidents was only equal to one, for more than 20,000 trips or passages; and that the average loss of life was only equal to one, for more than 126,000 passengers exposed. Thus, at the fair outset of this noble enterprise, a degree of safety was attained for the passengers, such as may well challenge comparison with any artificial means of transit or locomotion that have ever been resorted to by the human race.

FRENCH STEAM NAVIGATION.

The *Courier Français* states, that the example of the merchants of Marseilles in subscribing for shares towards the raising of Trans-Atlantic Steam Navigation Companies, has been followed at Nantes, Bordeaux, and Havre. At Bordenaux, it adds, the subscriptions amount to 3,000,000 francs, and at Havre, to 4,175,000 francs. To this we may add, that the chamber of commerce of Bordeaux has summoned a meeting of the merchants of that city, to deliberate on the best means of establishing the line of communica-

tion in question, and a committee of five gentlemen has been named in consequence. The commissioners of the subscribers to the Marseilles company are instructed, says the "Temps," to request Admiral Baudin to lend his experience and influence towards the prompt accomplishment of their object.

The Minister of the Marine has ordered to be built, at L'Orient, a steam ship to carry engines of 450 horse-power. It is to be called the *Cuvier*, after the celebrated naturalist, and will be the largest in the French service. Its length will be greater than a three-decker, and it will be sufficiently capacious to carry 1,200 troops.

LIGHT-HOUSE AT THE PENINSULA OF JUTLAND.

The Department of State at Washington has received notice from the Danish government of the erection of a new light-house on the easternmost point of the peninsula of Jutland, called *Fornas*, or *Foreness*, of which the following particulars are communicated, for the benefit of our navigators:—

A new light-house has been erected on the easternmost point of Jutland, called *Fornas*, or *Foreness*, projecting into the Kattegat passage, situated five eighths of a Danish mile northeast half east from the entrance of the harbor of Grenade, $7\frac{1}{2}$ miles west southwest half west from the light-house of Arholt, and $7\frac{1}{2}$ miles northwest and a quarter north from the island of Hesselder. The light is placed on a quadrangular tower, at the height of 67 Danish feet above the sea, and may be seen at the distance of three and a quarter miles by a person standing ten feet above the sea. The light is given by six lamps, which revolve every three minutes, in such a manner, that the spectator sees every half minute a bright light, which lasts about six seconds, and is invisible for twenty-six seconds following.

MISCELLANEOUS STATISTICS.

TABLE OF REVENUE, EXPENDITURE, AND PUBLIC DEBT OF FRANCE.

RECEIPTS.		EXPENDITURE.	
<i>Direct Taxes.</i>	<i>Francs.</i>		<i>Francs.</i>
Land Tax.....	244,873,409	Civil List.....	18,000,000
Poll Tax.....	29,400,000	Funded Debt.....	215,768,242
Personal Estate....	35,665,000	Sinking Fund.....	43,093,621
Doors & Windows	32,340,000	Guaranties due by Treasury..	9,000,000
Patents.....	29,818,500	Unfunded Debt.....	16,000,000
Miscellaneous.....	1,827,000	Life Annuities.....	6,200,000
		Chamber of Peers.....	700,000
Total.....	373,923,909	Chamber of Deputies.....	600,000
Registration, Stamps, Domains	193,225,000	Legion of Honor.....	3,302,417
Felling of Timber.....	24,000,000	Pensions.....	58,389,654
Customs.....	154,300,000	Ministry of Justice.....	19,469,700
Excise on liquors, tobacco, &c.	171,000,000	Foreign Affairs.....	7,502,000
Post Office.....	34,290,000	Religion.....	34,804,600
Lotteries.....	8,000,000	Public Instruction.....	2,575,000
Gaming Houses.....	5,500,000	Ministry of the Interior.....	3,380,000
Fines.....	3,300,000	Commerce and Public Works	123,500,000
Sundry Proceeds.....	11,047,482	War.....	307,434,000
		Navy.....	65,000,000
<i>Extraordinary Resources.</i>		Finances.....	22,787,500
Balance of 1831.....	131,467,267	Administration and Collection	
Sale of Wood.....	50,000,000	of Revenue.....	118,211,833
	181,467,267	Repayments, &c.....	42,989,445
Total Receipts.....	1,160,053,658	Total.....	1,097,708,102

CANALS OF NEW YORK.

Statement of the amount of Tolls received on the several canals of this State, in each year, from the 1st day of January, 1820, to the 1st day of January, 1840. Compiled from the Annual Report of the Canal Commissioners.

Year.	Erie and Champlain Canals.	Oswego Canal.	Cayuga and Seneca Canal.	Chemung Canal.	Crooked Lake Canal.	Chenango Canal.	Total.
1820	5,437 34	.....	.....	.....	.....	.....	5,437 34
1821	14,388 47	.....	.....	.....	.....	.....	14,388 47
1822	64,072 50	.....	.....	.....	.....	.....	64,072 40
1823	152,958 33	.....	.....	.....	.....	.....	152,958 33
1824	340,761 07	.....	.....	.....	.....	.....	340,761 07
1825	566,112 97	.....	.....	.....	.....	.....	566,112 97
1826	762,003 60	.....	.....	.....	.....	.....	762,003 60
1827	859,058 48	.....	.....	.....	.....	.....	859,058 48
1828	835,407 28	2,757 67	279 70	.....	.....	.....	838,444 65
1829	795,054 52	2,439 44	8,643 49	.....	.....	.....	813,137 45
1830	1,032,599 13	12,335 18	11,987 81	.....	.....	.....	1,056,922 12
1831	1,194,610 49	16,271 10	12,920 39	.....	.....	.....	1,223,801 98
1832	1,195,804 23	19,786 20	13,893 04	.....	.....	.....	1,229,483 47
1833	1,422,695 22	22,950 47	17,174 69	694 00	200 84	.....	1,463,715 22
1834	1,294,649 66	22,168 02	18,130 43	3,378 05	1,473 40	.....	1,339,799 56
1835	1,492,811 59	29,180 62	20,430 11	4,720 44	1,829 63	.....	1,548,672 39
1836	1,556,269 37	30,436 20	20,522 92	5,086 38	2,365 51	.....	1,614,680 38
1837	1,239,052 49	21,083 56	15,968 86	4,333 80	1,526 58	11,164 51	1,293,129 80
1838	1,516,373 98	27,260 44	18,397 57	4,394 67	2,013 31	20,407 99	1,588,847 87
1839	1,540,785 22	34,162 42	18,747 47	5,187 27	1,721 31	15,778 33	1,616,382 02
	17,880,905 84	247,831 32	177,096 48	27,794 61	11,130 58	47,350 74	18,392,109 57

EXTENT OF THE FISHING INTEREST IN MASSACHUSETTS.

The statement which follows is compiled from the statistical tables published by order of the Legislature of Massachusetts, and indicates the extent of the fishing interest of the commonwealth, for the year ending 1st day of April, 1837. The whale fishery is not included in this account.

Vessels employed in the cod and mackerel fishery.....	1,290
Tonnage of same.....	76,089
Number of quintals of codfish caught.....	510,554
Value of same.....	\$1,569,517
Number of barrels of mackerel caught.....	234,059
Value of same.....	\$1,639,042
Number of bushels of salt used in cod and mackerel fishery.....	837,141
Hands employed.....	11,146
Capital invested.....	\$2,683,176

SILK MANUFACTURE IN FRANCE.

According to a recent statistical statement, there are in France 84,648 looms, producing annually a value in silks of £211,540,000, [or \$40,000,000.] These looms give occupation to 169,280 workmen, and employ £139,623,330 of silk, [\$26,118,000.] The price of work is £70,926,670, [\$13,300,000]—or about £300, [\$56 25] for each workman. The profit and interest of the capital employed is £21,000,000.

The manufactures of Lyons alone occupy 40,000 looms, and employ 80,000 workmen. They produce 100 millions of francs, [near \$20,000,000.] The home consumption of France in silks is 73 millions of francs, [\$14,000,000,] and the exportation is £138,550,000, [\$26,000,000.]

MERCANTILE MISCELLANIES.

Foreign Importations.—In evidence of the points assumed in the paper on Domestic Industry, (in the present number,) we give, in a separate form, a more minute specification of the articles of foreign importation. That this specification is accurate, may be ascertained from the annual documents which are issued from the office of the secretary of the treasury. From these it may be learned how small a portion of our importations are actually necessary, from the more improved state of the arts abroad, and the cheapness of labor, and how large a portion we might with advantage have produced ourselves, thus avoiding the drain upon our capital, and the influence of that power which is holding down the gigantic energies of our country, like Prometheus chained to the rock.

We import burr stones and sulphur; antimony and clay; rags and bark of the cork tree; undressed furs, raw hides, and skins; plaster of Paris and barilla; dye-wood, mahogany, and animals for breeding; pewter and tin; brass and copper; gold and silver bullion; coffee and teas from India and China; cocoa, almonds, currants, and prunes; figs, rasins; mace, and other spices; nutmegs, cloves, cinnamon, and pepper; pimento, cassia, ginger, and camphor; silks and worsted; lace veils, shawls, and shades, and other manufactures of silks and worsted; camlets of goats' hair and camels' hair; cashmere of Thibet and worsted stuff goods; linens, bleached and unbleached; ticklenburgs, osnaburgs, and burlaps; brown and white sheetings, bolting cloths, and wool; quicksilver and opium; crude saltpetre; cloths, and cashmere, merino shawls of wool, and blankets; woollen hosiery, gloves, mitts, and bindings; woollen and worsted yarn; cotton, white, dyed, printed, and colored; cotton hosiery, gloves, mitts, and bindings, twist, yarn and thread; nankeen, silk piece goods, and sewing silk, from India and from other places; thread and cotton lace; linens, dyed, colored, and checked, and other manufactures of flax; sail duck, and other manufactures of hemp; leghorn straw and chip hats; grass flats and braids; hats of wool, leather, and fur; side-arms, fire-arms, drawing knives, cutting knives, hatchets, axes and adzes; socket chisels, steelyards, and scales; beams and vices; sickles, scythes, spades, and shovels; squares of iron, and wood screws; manufactures of copper and brass, tin, pewter, and lead; cabinet ware, leather, marble, gold, and silver; precious stones, set or otherwise; watches, glass ware, china, and porcelain; earthen and stone ware; saddlery; plated, gilt, japanned, and trimmed coach and harness furniture; carriages; slates, quills, black lead pencils; paper hangings, hair cloth, and hair seating; brushes, copper bottoms cut round, silver and plated ware; raw silk, indigo, and unmanufactured wool; flannels, bocking, and baizes; Brussels, Wilton, and ingrain carpets; floor cloths, furniture, oil cloths, and cotton bagging; Madeira wine, red and other wines of France and Sicily, red sherry of Spain, Austria, Germany, and the Mediterranean; wines from other countries, and foreign distilled spirits; molasses, vinegar, beer, ale, porter; spermaceti and other oil from foreign fisheries; olive oil, castor, linseed, hemp seed, and rape seed; teas from other places than India or China; chocolate; white, brown, and clayed sugar; loaf sugar, sugar candy, other refined sugar, syrup of sugar cane; cayenne pepper; tallow, wax, and spermaceti candles; cheese and soap; tallow, lard, beef, pork, and bacon; butter; saltpetre, and salts; oil of vitriol; snuff, cigars, and other manufactures of tobacco; cotton, gunpowder, bristles, glue, dry ochre, ocher in oil, white and red lead; whiting and Paris white; litharge, sugar of lead, lead in pigs, bars, and

sheet; shot; leaden pipes and old lead; cordage, (tarred,) and cables, (untarred,) and yarn, twine, (pack and thread;) corks; copper rods, and bolts; nails and spikes; muskets and rifles; iron and steel ware; tacks, brads, and sprigs; nails, spikes, iron cables, and chains; mill cranks, mill saws, anchors, and anvils; blacksmiths' hammers and sledges; iron castings, round iron or braziers' rods; nail or spike rods; sheet iron, hoop iron, casement rods, slit or hammered iron, iron in pigs, bar iron, old iron, steel, hemp, alum, copperas, wheat flour, salt, coal, wheat, and oats; potatoes; paper, (folio and quarto post, cap, drawing, writing, printing, copperplate, stationers', and sheathing, binders' wrapping, or box boards;) books; apothecaries' vials and bottles; perfumery, and fancy vials and bottles; demijohns, glass bottles, and window glass; fish, playing cards, boots and bootees, silk shoes, prunella, nankeen, leather, morocco, and kid shoes; felt hat bodies, wholly or partly of wool.

COMMERCIAL RELATIONS WITH FOREIGN COUNTRIES.

A report has been published from the Department of State of the United States, in obedience to a resolution adopted by the senate at the last session of congress, showing the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations. The Baltimore American furnishes a brief but correct analysis of the secretary's report, from which it appears, that in 1815, congress enacted a law repealing all discriminating duties upon foreign vessels and cargoes, to take effect in favor of any foreign nations, "whenever the president shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished." Twelve nations, viz: Austria, Brazil, Central America, Denmark, Ecuador, Greece, the Hanseatic cities, Prussia, Russia, Sardinia, Sweden, and Venezuela, have met the proposition in a spirit of liberality. In the ports of all these countries, American vessels, with their cargoes, whether the produce of the United States or not, are admitted on the same terms as the vessels of those countries respectively. If outward bound, they are entitled to the same drawback or bounties on goods exported, as domestic vessels are.

With Great Britain, France, the Netherlands, Mexico, and Texas, our commercial relations are of a more restricted character. These nations severally confine the principle of equality to the *direct trade*. That is to say, Great Britain admits the vessels of the United States into her ports on payment of the same tonnage duties and charges as British vessels, with these conditions: First, that the vessel be built and owned in the United States, and navigated by a master and a crew three fourths of which are citizens of the United States; and second, that the goods composing the cargo be the produce of the United States, which in practice limits the import trade to the direct intercourse between one country and the other. The trade of the United States with the British Colonial possessions is regulated by treaty stipulations or by diplomatic arrangement. In all cases, however, some restrictions are observed, giving an advantage, in general trade, to British bottoms. The importation from the United States of all goods but those of their own produce is mostly prohibited.

France admits the vessels of the United States into her ports on payment of a discriminating duty of five francs, or ninety-four cents, per ton over and above that paid by French vessels. In the importation of articles, the produce of the United States, no difference is made between French and American vessels; but in reference to other articles, the discriminating duty prevails in favor of French bottoms.

In the Java trade, under the government of the Netherlands, the productions of the United States, and of other countries, are admitted at a duty of seven and four fifths per cent.

ad valorem, if imported in Dutch vessels, and fifteen and three fifths per cent. ad valorem, if imported in vessels belonging to the United States.

Chili and the Ottoman Dominions admit our vessels and productions upon the footing of the most favored nations—reserving the privilege of giving a preference to their own. Five Powers, viz: the Argentine Confederation, Belgium, China, Hayti, New Grenada, Portugal, Spain, the Two Sicilies, and Uruguay, are left free to deal with the commerce and the navigation of the United States as they may think proper, without any other check than our countervailing legislative provisions. With three of them, however, Belgium, Portugal and the Two Sicilies, negotiations are on foot for the conclusion of commercial treaties.

IMPORTANCE OF AFRICAN COMMERCE.

Elliott Cresson, Esq. in a letter addressed to a member of congress, observes, that the important fact stated in Gen. Buchanan's last despatch, that there were then thirty-seven sail of British ships, many of them 800 to 900 tons burden, in the Bonny river, receiving cargoes of palm oil, an article only recently entering into the list of African exports, gives but a faint idea of the native commercial resources of that vast continent. No less than 35,000 tons of this article have been imported into England in a single year—worth, at 9c. per pound, its present value in our market, \$7,056,000. Stop the slave trade, says Mr. C., and the export may be increased tenfold. Again, the sugar estates of Western Africa, destroyed by Portugal on the discovery of America, were deemed the finest in the world. Africa may yet afford us an immense supply, as sugar cane is one of her indigenous products. Her native coffee, too, of which twelve or fourteen varieties grow wild in the forests of Liberia, is unsurpassed in quality, and may be raised to any extent. Ship-timber, furniture and dye-woods, of almost endless variety, also abound, and even now are shipped to a large amount. One of my London friends, says Mr. Cresson, told me that in May, 1832, he received eighteen cargoes of African oak from Sierra Leone. Camwood, now worth \$90 per ton, may be obtained from our colonies to almost any extent, as soon as roads shall be extended into the interior, and they will be very important to our cotton and woollen manufacturers. Ivory, gold dust, gums, ostrich feathers, drugs, hides, goat skins, cotton, manilla hemp, indigo, rice, corn, pepper, beeswax, (and all the products of the tropics may be added,) would form the basis of a commerce, which, if duly promoted, would probably, within the next twenty-five years, rival in importance the whole of that between us and Great Britain, twenty-five years ago. At the present time, under all the desolating influences of the slave trade, Britain enjoys an immense trade with Africa. One of her commercial houses alone, received returns in three years, amounting to about \$1,500,000, principally in gold, ivory, and gums. Another, in Liverpool, realized a profit of £30,000, by a single voyage, from ivory and palm oil. This commerce absorbs a large amount of British manufactures, and though still comparatively in its infancy, is estimated by her writers to afford a clear annual profit of several millions. Mr. Cresson sees no reason why England should enjoy this monopoly; and the trade might certainly be made as important to the Americans as to them. The subject deserves attention.

DUTY ON SALTPETRE.

The importations of several cargoes of *saltpetre*, recently, into the United States, from Calcutta, have given rise to the question, as the article appeared of a doubtful character, whether it was *crude* or *refined*; the importers claiming it as *crude*, and the collectors contending that it was *refined*, or partaking of a character other than *crude*. The

Comptroller of the Treasury, under date of March 21st, 1840, in a circular to the collectors of the customs, thus settles the difficulty.

"From information derived from intelligent officers of the customs, experienced merchants, scientific and practical chemists and manufacturers, and the books treating on the subject, confirmed by personal inspection, and analysis, I am of opinion that the saltpetre of commerce, such as is usually brought in bags from India, is not in fact *crude*, a portion of the earthy substance in which it is found being removed by artificial process; and that on the other hand, it cannot be considered *refined*, within the meaning and intent of the law, it still retaining a portion, greater or less, of the impurities necessary to be removed before it be fit for the use of *refined* saltpetre, or be recognised as such in the language of trade.

"By the act of 27th April, 1816, there was levied upon all kinds of saltpetre, an ad valorem duty of $7\frac{1}{2}$ per centum: the act of 22d May, 1824, levies a duty of $12\frac{1}{2}$ per centum ad valorem, upon all articles not therein specified, and these paying a duty of $7\frac{1}{2}$ per cent. under the act cited. The same act specifies *refined* saltpetre as liable to a specific duty of 3 cents per pound. The act of 14th July, 1832, specifies *crude* saltpetre as exempt from duty: it necessarily follows, that the article now in view, being of an intermediate character, and neither *crude* nor *refined* in the true sense of the terms, is withheld in its general classification with either of the specified articles, and consequently remains by law liable to the duty of $12\frac{1}{2}$ per centum, ad valorem.

A BUSHEL OF GRAIN.

The last Legislature of Indiana passed a law prescribing a uniform mode of ascertaining by weight the quality of the different kinds of grain that shall pass for a standard bushel in that state, as follows: wheat 60 lbs., avoirdupoise; rye 46; corn 56; barley 48; oats 33.

DONATIONS TO THE MERCANTILE LIBRARY ASSOCIATION.

The Board of Directors take pleasure in acknowledging the receipt

Of Donations in Books—from Messrs. Wm. Wood; H. W. Stevens, twenty-one volumes; Geo. Zabriskie, Esq.; Mercantile Library Association of Boston; Henry F. Fish; Geo. C. Baker; John Hall; Gulian C. Verplanck, Esq.; H. N. Otis; Isaac Barton; Manuscript Tales in the Persian Language, designed as exercises for the student, from Henry P. Marshall; Common Council, through I. Paulding, fifteen volumes; Edward Henriques; W. H. L. Bogart; W. Richards Noyes; Charles Fox; forty-eight volumes from Hon. John C. Spencer, Gulian C. Verplanck, and A. C. Flagg.

Of a Case of Birds—from S. R. Trowbridge, and another from "A Friend," through A. G. Zabriskie.

Of Oil Paintings;—"Classic Ruins," from Peter R. Brinckerhoff, Esq.; "View of Washington and the Potomac," from Russell H. Nevins, Esq.; "View of Jones's Falls," from W. Brenton Boggs, Esq.; "The Student," from H. H. Elliott, Esq.; an ancient painting, from F. A. Conkling, Esq.

Of "Boydell's Folio Shakspeare Gallery," a valuable collection of plates, from pictures painted for the purpose of illustrating the dramatic works of Shakspeare, by the artists of Great Britain, from Augustus E. Silliman, Esq.

The Board of Directors are desirous of forming a *permanent* gallery of *paintings* and *sculpture*,—the basis of a collection of choice works of art. The above donations of paintings may be considered as an incipient step to this object, of cultivating a taste for the fine arts among our members. This effort to collect the works of art, more particularly the productions of our native artists, will be hailed with pleasure by all the friends of the association. Several of our artists have already given promise of works from their pencils.